Annual Report of the Certification Officer

2017-2018

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of the Certification Officer
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www.gov.uk/certificationofficer
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 2017 to 31 March 2018.
# Contents

<table>
<thead>
<tr>
<th>Introduction</th>
<th>1</th>
</tr>
</thead>
</table>

## Chapter

1. Lists of Trade Unions and Employers’ Associations  
   - Entry in the lists and its significance  
   - Unions and employers’ associations formed by amalgamation  
   - Trade unions and employers’ associations not on the lists (scheduled bodies)  
   - Removal from the lists and schedules  
   - Additions to the lists and schedules  
   - Decisions of the Certification Officer in relation to listing applications  
   - The lists and schedules at 31 March 2018  
   - Special register bodies  
   - Changes of name of listed trade unions and employers’ associations  
   - Definition of a trade union  
   - Definition of an employers’ association  

2. Trade Union Independence  
   - The statutory provisions  
   - Criteria  
   - Applications, decisions, reviews and appeals  

3. Annual Returns, Financial Irregularities and Access to Accounting Records  
   - The statutory provisions  
   - Late submission of returns  
   - Prosecution  
   - Statement to members  
   - Financial affairs of trade unions and employers’ associations  
     - use of statutory powers  
   - Public inspection of annual returns  
   - Access to accounting records  
   - Applications and complaints received in 2017-2018  

4. Financial and Membership Information and Membership Register  
   - Annual returns received in 2017-2018  
   - Trade unions: numbers and membership  
   - Trade unions: Changes in Membership over 5,000 members  
   - Membership register  
   - Membership Audit Certificate  
   - Finance  
   - Salaries and benefits  
   - Employers’ associations  

---

v
5 Superannuation Schemes
   The statutory provisions
   Schemes maintained
   Actuarial reports received in 2017-2018

6 Mergers
   The statutory provisions
   Trade unions formed by amalgamation
   Guidance
   Mergers during the period 2017-2018

7 Political Funds
   The statutory provisions
      General
      Exemption from contributing
      Effect of the Trade Union Act 2016 (“the 2016 Act”)
      Amended political fund rules
      Complaints
      Review Ballots
   Guidance on procedures
   Effect of amalgamations
   Political fund resolutions in force
   Organisations with new political fund rules approved for the first time
during 2017-2018
   Political funds closed during the period
   Political fund review ballots
   Political funds of trade unions at 31 March 2018
   Political fund membership
   Exemption notices
   Notification of members’ rights to give a withdrawal notice
   Political fund complaints

8 Elections for Certain Positions
   The statutory provisions
   Applications and decisions

9 Breach of Trade Union Rule Applications
   The statutory provisions
   Applications and decisions
Appendices
1  List of Trade Unions at 31 March 2018  48
   Schedule to Appendix 1  52
2  List of Employers’ Associations at 31 March 2018  53
   Schedule to Appendix 2  55
3  Decisions on Trade Union Independence during the period 1 April 2017 to 31 March 2018  57
4  Summary of Statistics – Trade Unions, returns received during the period 1 April 2017 to 31 March 2018  59
5  Salary and Benefits of Trade Union General Secretaries  62
6  Summary of Statistics – Employers’ Associations, returns received during the period 1 April 2017 to 31 March 2018  67
7  Trade Unions Maintaining Members’ Superannuation Schemes at 31 March 2018  70
8  Mergers completed during the period 1 April 2017 to 31 March 2018  71
9  Political Funds of Trade Unions, 2016-2017  72
10 Current statutory fees applicable  74
11 Certification Office Publications  75
12 Certification Office Functions  76
Introduction

I was appointed as Certification Officer on 1 January 2018. Gerard Walker held the position on an interim basis until 31 December 2017. I have appointed Mr Walker as Assistant Certification Officer and I am grateful for the support he has already given me in this role. We have prepared this report together.

My statutory functions 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”). These are set out in Appendix 12.

Trade Union Act 2016 Implementation
The Trade Union Act 2016 received royal assent on 4 May 2016. Three sections of the Act that relate to the work of the Certification Officer and apply to mainly to trade unions, were implemented on 1 March 2017:

Section 7: Information to Certification Officer about industrial action etc

Section 11: Opting in by union members to contribute to political funds

Section 12: Union’s annual return to include details of political expenditure

I am pleased to report that Mr Walker and myself have now approved the rule changes required by section 11 of the Act for all trade unions wishing to retain a political fund. This has involved a significant amount of work by those unions and by my team. I am very grateful to the relevant trade unions for their cooperation with my office in bringing about this significant change which means that trade union members joining after 1 March 2018 have to opt-in rather than opt out of contributing to a trade union political fund.

The duties to report on political fund expenditure and to provide information about industrial action apply to the reporting periods which begin after 1 March 2017. For the majority of trade unions this will mean that they will provide this information, for the first time, in their annual returns to me for the period ending 31 December 2018 which should be provided to me before 1 June 2019. In preparation for this my team have amended the template which trade unions use to report to this office so that unions can provide the additional information required.

Those provisions of the Act which give me the power to investigate and determine breaches of statutory provisions without receiving a complaint from a trade union member and enable me to impose financial penalties have not yet been implemented. Nor have those which require trade unions and employers’ associations to pay a levy as a contribution to the costs of my office.
Trade Unions, and Employers’ Associations
The number of trade union members recorded in the Annual Returns received in 2017-2018 is 6,875,231. This represents an increase of 10,175 members or 0.15% over the membership recorded in my last Annual Report. However, UNISON have told me that they have not included their retired members (147,330) in previous annual returns. These members are now included in the overall total. Without this figure the total figure would have been 6,727,901 or a decrease of 2%.

On 31 March 2018 there were 146 trade unions which is a fall of four from the previous year. Seven trade unions were removed from the list and schedule, three were added. Of the seven which were removed, one ceased to exist due to a transfer of engagements, two amalgamated to form a new trade union and four were dissolved or deemed no longer to meet the statutory definition of a trade union.

At the end of this reporting period there were 91 employers’ associations, the same number as at the end of the previous reporting period.

Complaints from Union Members
Over the past reporting year 55 complaints were determined by Mr Walker, myself and our Assistant Certification Officers (ACOs). Of these, 52 complaints alleged that a union had breached its own rules. The other 3 related to alleged breaches of statute. A summary of these decisions can be found in Chapters 3, 4, 8 and 9 of this report.

The issue that attracted the most interest was the decision made by HHJ Mary Stacey in her role as Assistant Certification Officer to hear the complaints of Burgess and Ors against UNISON. The complaints related to the General Secretary election in 2015. There were multiple applicants and 16 complaints that required a preliminary hearing and three full days of evidence and submissions. Following this, the ACO made a single declaration that the union had breached its own rules relating to the election; she considered it inappropriate to make an enforcement order on the basis that it would be disproportionately punitive, in response to the breach found, to order the General Secretary election to be run again. The ACO’s decision was upheld by the Employment Appeal Tribunal on appeal by the applicants.

The Website
Our website has continued to be the primary source for those interested in obtaining information about the work of the Certification Office. It contains all decisions made by myself, my predecessors and ACOs as well as the annual returns from trade unions and employers’ associations since 2012, with links to The National Archives website for returns from between 2003 and 2012. It also contains guidance on various aspects of my functions, copies or links to our Annual Reports back to 1999-2000 and a list of trade unions and employers’ associations known to me. In addition it is possible to sign up on the website for e-mail updates of forthcoming hearings, my decisions and the work of the Certification Office.

Annual Returns
This Annual Report relates to those annual returns received from trade unions and employers’ associations between 1 April 2017 and 31 March 2018. Such annual returns must be lodged with me within five months of the end of their respective reporting period. Accordingly, the
most recent annual returns are in respect of a reporting period ending in September 2017 and the oldest annual returns are in respect of a reporting period ending in October 2016 (see paragraph 4.1).

**The Certification Office**

The Advisory, Conciliation and Arbitration Service (Acas) is required to provide 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, Energy and Industrial Strategy.

I am fortunate to be supported by a strong team within the Certification Office. On 31 March 2018 there were nine staff in post in the Certification Office. The net cost of the office for the year ending 31 March 2018 was £651,370 which represents an increase of £124,854 or 23.7% over the figure for year ending 31 March 2017 (£526,516) and £115,749 or 21.6% over the figure for year ending 31 March 2016 (£535,621). The main reasons for the increase are the requirements to pay for legal advice from the Government Legal Department, payment for hearing venues as a consequence of our move from Euston Tower, and an increase in staff to deal with the new responsibilities around trade union membership registers and some aspects of the Trade Union Act 2016. In addition, the post of Certification Officer is now full time.

The above figures do not include costs for some of the services provided by Acas for my office, for instance the provision of IT equipment, its maintenance and HR services. It is estimated that such costs were £232,000 for year ending 31 March 2018. My salary as Certification Officer at 31 March 2018 was £125,695. This sum is pensionable and is taxed under PAYE.

Where I hold a hearing to determine a complaint I can make payments towards the expenses incurred by the complainant and their witnesses in attending the hearing. Such payments amounted to £1,262.85 during this period. Assistance with legal costs is not available.

**Accounts**

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 22% of the Office’s resources were allocated to work connected with the maintenance of the lists of trade unions and employers’ associations, 47% to work relating to complaints and trade union finances, 19% to ensuring receipt of annual returns and their processing, 9% to political funds and the remainder to other matters including certification of independence and mergers. The growth in resources devoted to the maintenance of my lists is a reflection of the increased work associated with the more recent applications for listing as a trade union.

**Assistant Certification Officers**

I appointed Mr Gerard Walker to act as an Assistant Certification Officer to assist me whilst I hold the position of Certification Officer. Ms Christine Stuart continues to hold her appointment as Assistant Certification Officer for Scotland. During his appointment as Certification Officer, Mr Walker also appointed HHJ Mary Stacey and His Honour Jeffrey Burke QC to hear complaints. Jeffrey Burke QC continues to hold his position as Assistant Certification Officer to hear complaints brought by Mr Coyne and Mr Brooks against Unite the Union arising out
of the General Secretary election in 2017. We are grateful for the support given by Ms Stacey and Mr Burke during their appointments.

Protected Disclosures and the Certification Officer
The Certification Officer is a designated a ‘prescribed person’ under the Public Interest Disclosure Regulations 2014 in relation to relevant disclosures by employees/workers of trade unions and employers’ associations. Under Part IVA of the Employment Rights Act 1996 and the 2014 Regulations, employees or workers of a trade union or employers’ association may be protected if they make a relevant disclosure to me. A relevant disclosure to the Certification Officer is defined in the 2014 Regulations as being one related to fraud, and other irregularities relating to the financial affairs of trade unions and employers’ associations.

During this reporting period I received no relevant disclosures.

Advice and contacts for information
My team receives many enquiries and requests for guidance from trade unions, employers’ associations and their members. Often we can help but there are constraints on the advice that can be given. It may, for instance, be inappropriate for us to give guidance on, or prior approval to, a specific course of action in areas where complaints can be made to me by an individual member. It would also be inappropriate for us to comment on the merits of a possible complaint. That said my team is, of course, happy to assist where we can and guidance covering different aspects of my responsibilities is available on our website www.gov.uk/certificationofficer. Our guidance is listed in Appendix 11; requests for further information on any aspect of my duties should be made to the Certification Office, Lower Ground, Fleetbank House, 2-6 Salisbury Square, London EC4Y 8JX, tel: 0330 109 3602, e-mail: info@certoffice.org.

Finally, I am very grateful for the support which has been given to me by my team since my appointment was announced. They are a strong team who are keen to deliver a good service to those we work with.
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 2018 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). 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 1.19 and 1.20). 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 of the 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, Lower Ground, Fleetbank House, 2-6 Salisbury Square, London EC4Y 8JX. 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.gov.uk/certificationofficer.

Unions and employers’ associations formed by amalgamation

1.6 Upon the amalgamation of two or more unions or unincorporated employers’ associations 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 12 trade unions and 38 employers’ associations which met the statutory definitions but which had not sought to be listed. These are on the schedules to the relevant lists. There may be other organisations which meet the statutory definitions of a trade union or employers’ association. 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 Certification 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.

Removal from the lists and schedules

1.8 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 the removal of a name from a list. The Certification Officer must also remove the name of an organisation from the list if she is satisfied that it no longer exists or if the organisation requests that she should do so.
1.9 The table below gives the names of the seven trade unions and one employers’ association removed from the lists and schedules during the period 1 April 2017 to 31 March 2018. An asterisk denotes those which ceased to exist as a result of a merger. The others were dissolved or deemed no longer to meet the statutory definition of a trade union or employers’ association.

**Trade Unions**

*England and Wales – Listed*
- Association of Teachers and Lecturers*
- Association of Somerset Inseminators
- Ellington Branch of the North East Area of the National Union of Mineworkers
- National Union of Teachers*
- NUM Northumberland Area
- Staff Union West Bromwich Building Society*

*England and Wales – Scheduled*
None

*Scotland – Listed*
None

*Scotland – Scheduled*
National Union of Mineworkers (Scottish Area)

**Employers’ Associations**

*England and Wales – Listed*
None

*England and Wales – Scheduled*
Fencing Contractors Association

*Scotland – Listed*
None

*Scotland – Scheduled*
None
Additions to the lists and schedules

1.10 The table below gives the names of three trade unions added to the list or schedule during the period 1 April 2017 to 31 March 2018. An asterisk denotes one which was added as a result of a merger. One employers’ association was added to the list or schedule during this period.

Trade Unions

*England and Wales – Listed*
Confederation of British Surgery
CU Staff Consultative Group
National Education Union*

*England and Wales – Scheduled*
None

*Scotland – Listed*
None

*Scotland – Scheduled*
None

Employers’ Associations

*England and Wales – Listed*
Welsh Local Government Association

*England and Wales – Scheduled*
None

*Scotland – Listed*
None

*Scotland – Scheduled*
None

Decisions of the Certification Officer in relation to listing applications

1.11 In this reporting period the Certification Officer made a decision to refuse an application from an organisation named Foster Carers Workers Union (now known as the National Union of Professional Foster Carers) to be entered on the list of trade unions on the basis that it did not meet the statutory definition of a trade union (CO/L/1/17-18). This decision has been appealed to the EAT and is awaiting a hearing.

The lists and schedules at 31 March 2018

1.12 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 and schedules as at 31 March 2018. They are reproduced as Appendices 1 and 2. The lists comprised 134 trade unions and 53 employers’ associations whilst the schedules comprised 12 trade unions and 38 employers’ associations.
Changes during the year are summarised in the tables below:

### Listed trade unions and employers’ associations

<table>
<thead>
<tr>
<th></th>
<th>On lists at 31 March 2017</th>
<th>Changes between 1 April 2017 and 31 March 2018</th>
<th>On lists at 31 March 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Additions</td>
<td>Removals</td>
<td>Additions</td>
</tr>
<tr>
<td>Trade Unions</td>
<td>137</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Employers’ Associations</td>
<td>52</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

### Scheduled trade unions and employers’ associations

<table>
<thead>
<tr>
<th></th>
<th>On schedules at 31 March 2017</th>
<th>Changes between 1 April 2017 and 31 March 2018</th>
<th>On schedules at 31 March 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Additions</td>
<td>Removals</td>
<td>Additions</td>
</tr>
<tr>
<td>Trade Unions</td>
<td>13</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Employers’ Associations</td>
<td>39</td>
<td>0</td>
<td>1</td>
</tr>
</tbody>
</table>

1.13 As at 31 March 2018 the total number of listed and scheduled trade unions and employers’ associations is, therefore, as follows:

### Listed and scheduled trade unions and employers’ associations

<table>
<thead>
<tr>
<th></th>
<th>Listed</th>
<th>Scheduled</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trade Unions</td>
<td>134 (137)</td>
<td>12 (13)</td>
<td>146 (150)</td>
</tr>
<tr>
<td>Employers’ Associations</td>
<td>53 (52)</td>
<td>38 (39)</td>
<td>91 (91)</td>
</tr>
</tbody>
</table>

The figures in brackets are the equivalent figures in the previous reporting year.
Special register bodies

1.14 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.

1.15 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.

1.16 Special register bodies are also exempt from the requirement to conduct elections for the posts of president and general secretary where they are not voting members of the Executive. However, the voting members of the executive committee of special register bodies must be elected in accordance with the statutory provisions.

1.17 The following 13 special register bodies remain on the list of trade unions:

Association for Clinical Biochemistry & Laboratory Medicine
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
Society of Chiropodists and Podiatrists
Society of Radiographers
Changes of name of listed trade unions and employers’ associations

1.18 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 one employers’ association, the details of which are given in the table below:

<table>
<thead>
<tr>
<th>Effective Date</th>
<th>Trade Unions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>From</td>
</tr>
<tr>
<td></td>
<td>Leeds Building Society Staff Association</td>
</tr>
<tr>
<td></td>
<td>From</td>
</tr>
<tr>
<td></td>
<td>National Association of Stable Staff</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Effective Date</th>
<th>Employers’ Associations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>From</td>
</tr>
<tr>
<td></td>
<td>Graphics Enterprise Scotland</td>
</tr>
</tbody>
</table>

Definition of a trade union

1.19 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

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

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

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

(b) which consists wholly or mainly of –

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

(ii) representatives of such constituent or affiliated organisations,

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

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

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

The statutory provisions

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

“… a trade union which –

(a) is not under the domination or control of an employer or group of employers or of one or more employers’ associations, and

(b) is not liable to interference by an employer or any such group or association (arising out of the provision of financial or material support or by any other means whatsoever) tending towards such control”.

2.2 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. She 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.gov.uk/certificationofficer, 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 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

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1In 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”.

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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 she 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 1992 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 EAT 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. This position was considered by the Court of Appeal in the case of Bone v North Essex Partnership NHS Foundation Trust [2014] IRLR 635. The Court of Appeal held that a certificate of independence was retrospective in its effect for a reasonable period before the date of the certificate.

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. A copy of the guidance can be found on the Certification Officer’s website and is available on request from the 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 reporting period two applications for certificates of independence were received. The first application was received from United Voices of the World on 1 April 2017. The Certification Officer granted it a certificate of independence on 21 August 2017. The second application was received from the National House Building Council Staff Association on 9 November 2017. The Certification Officer granted it a certificate of independence on 7 March 2018.
2.9 A certificate of independence was issued to National Education Union, a new union formed by the amalgamation of two unions, Association of Teachers and Lecturers and National Union of Teachers, which already held certificates of independence.

2.10 No formal reviews of existing certificates of independence were undertaken during the period.

2.11 Four certificates of independence were cancelled because the unions concerned ceased to exist, three of which were a result of a merger. These were:

Ellington Branch of the North East Area of the National Union of Mineworkers
Staff Union West Bromwich Building Society*
Association of Teachers and Lecturers*
National Union of Teachers*

(* unions marked with an asterisk ceased to exist as the result of a merger)

2.12 On 31 March 2018 there were 92 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 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 1992 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 4.21 and 4.22). 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. Section 24ZA of the 1992 Act, inserted by the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 requires trade unions to submit a membership audit certificate, in relation to the relevant reporting period at the same time as it sends to the Certification Officer its annual return.

3.3 Organisations which consist wholly or mainly of constituent or affiliated organisations or representatives of such organisations, are referred to within the 1992 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’s 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 1.14 to 1.17) 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 There were no returns received by the Certification Officer during this reporting period containing an audit report in which the auditors gave a qualified opinion as to whether the return gave a true and fair view.

3.10 To avoid the duplication of broadly similar financial statements, the Certification Officer allows a special register body 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 Where trade union membership exceeds 10,000, the union is required by section 24ZB to appoint an assurer. The assurer is required to provide to the union a membership audit certificate in relation to the relevant reporting period. This must be sent at the same time as it sends to the Certification Officer its annual return. Where a union has less than 10,000 members this is done by an authorised officer of the union (See paragraph 4.15).

3.12 With the exceptions already noted, the duties imposed by sections 28 and 32 of the 1992 Act apply to all trade unions and employers’ associations, whether or not listed under sections 2 or 123. Refusal or wilful 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 3.19 below).

Late submission of returns
3.13 The 1992 Act requires an organisation to submit an annual return to the Certification Officer before 1st June in the calendar year following the year to which the annual return relates. This applies to most organisations (71%) whose financial year coincides with the calendar year and ends on 31 December. The remaining 29% have differing reporting periods that have been agreed by the Certification Officer. By 31 March 2017, all due returns had been received. The annual returns of 11.4% of organisations were submitted more than three months after their due date.

3.14 The Certification Officer continues to seek full compliance with the statutory requirements and will take steps to improve the performance of those organisations which consistently submit late annual returns.

Prosecution
3.15 No prosecutions for failure to submit an annual return were initiated during this period.

Statement to members
3.16 A statement containing specific information must be issued to all members within eight weeks of the submission of the annual return to the Certification Officer. The statement must specify:

(i) the total income and expenditure of the union;

(ii) how much of the income consisted of payments in respect of membership;
(iii) the total income and expenditure of any political fund of the union; and

(iv) the salary and other benefits paid to each member of the executive, the president and the general secretary.

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

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

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

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

A model statement and guidance is available on the Certification Officer’s website, www.gov.uk/certificationofficer.

3.17 It is not a requirement that the statement to members is distributed individually. As an alternative, section 32A(2)(b) of the 1992 Act provides that unions may use “any other means… which it is the practice of the union to use when information of general interest to all its members needs to be provided to them.”

3.18 Trade unions have in the main readily complied with the requirement to provide members with a statement which contained the required information and met the statutory timescale. The Certification Officer will endeavour to ensure that full compliance with the 1992 Act is maintained.

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

3.19 The 1992 Act allows the Certification Officer to investigate the financial affairs of almost all trade unions and employers’ associations (exceptions being in respect of federated employers’ associations and trade unions made up wholly or mainly of representatives of constituent affiliated organisations and in respect of
organisations that have been in existence for less than twelve months). Under the 1992 Act, the Certification Officer may, if she 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 an inspector(s) to investigate the organisation’s financial affairs and to report on them. However, the Certification Officer may only appoint an 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 her by the 1992 Act in that respect.

3.20 Information suggesting circumstances where one or more of the situations described in paragraph 3.19 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.

3.21 Not all the information received by the Certification Office is of sufficient merit to warrant an approach to the body concerned. Where an approach is warranted, the matter is frequently resolved either through correspondence between the Certification Office and the parties concerned or by means of informal meetings with the body or the individual or a combination of these methods.

3.22 At the end of the last reporting year enquiries were in progress concerning allegations of financial irregularities in two trade unions, Unite the Union Bassa Branch and NUM (Northumberland Area). By the end of this reporting year the enquiry into NUM (Northumberland Area) had concluded. The Certification Officer used his powers under section 37A of the 1992 Act to require documents to be produced in relation to his enquiries into the NUM Northumberland Area.

3.23 The Unite the Union Bassa Branch enquiries continued during this reporting period. In addition, new concerns were raised about the conduct of two other unions, however, in both of those cases the Certification Officer did not deem it necessary to make enquiries with the union.

3.24 Where the Certification Officer concludes her enquiries regarding a possible financial irregularity which has been raised by a union member and decides not to appoint an inspector, she must notify that member of her decision and, if she thinks fit, will also give her reasons. In the case of NUM (Northumberland Area) no
inspector was appointed. A letter to the Union setting out the Certification Officer’s main findings and explaining his decision not to appoint an inspector was published on the Certification Officer’s website: www.gov.uk/certificationofficer.

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, www.gov.uk/certificationofficer.

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 her, the Certification Officer is required to make such enquiries as she 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 she is required to make such orders as she 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 in 2017-2018

3.31 In this reporting period the Certification Officer concluded the complaint outstanding from the previous reporting period, Markham v GMB (D/51/17-18). The Certification Officer upheld the complaint but did not deem it necessary to make an order as the union had subsequently provided access to the accounting records. One new complaint was received in this reporting period and is currently being considered by the Certification Officer.

3.32 Sections 28 to 30 of the 1992 Act do not define “accounting records”. However the Certification Officer has considered this matter in the cases of Mortimer v Amicus (D/1/03), Foster v Musicians Union (D/13-17/03) and Lee v NASUWT (D/3/06). This was reconsidered in the case of Mills v Unite (D/38/15-16). The decision was appealed to the EAT (UKEAT/0148/16/LA). Although upholding the decision and dismissing a cross-appeal the EAT did make a point significant to this decision. At paragraph 60 of their decision the EAT stated: ‘we disagree with this [the Certification Officer] observation “that accounting records are those that are created or kept principally for the purpose of accounting”. Whether something is an accounting records an objective test is to be applied. It may be that invoices and receipts are retained for the purpose of accounting. They may need to be made available to the auditor for checking the accounts. The fact that documents are kept for the purposes of accounting does not transform them into accounting records within the meaning of TULRCA section 28(1)(a) and (2)’. The EAT goes on to say at paragraph 61: ‘Proper accounting records within the meaning of section 28 are those which are “necessary to give a true and fair view of the state of affairs of the trade union and explain its transactions”. Copies of all decisions made by the Certification Officer are available on the Certification Officer’s website: www.gov.uk/certificationofficer. Hard copies of decisions can be obtained free of charge upon request to 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 2017-2018

4.1 The information in this chapter is derived from the annual returns received during the reporting period. Statistical information is given at Appendices 4, 5, 6 and 9. That information and the following comments in this chapter relate to those unions whose annual returns were due, and received, in this office between 1 April 2017 and 31 March 2018. 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 2016 and September 2017. However, the majority (71%) of returns are for unions or employers’ associations with accounting periods ending 31 December 2016.

Trade unions: numbers and membership

4.2 Appendix 4 contains a summary of the statistics concerning the membership and finances of trade unions recorded in annual returns received during 2017-2018. Details are shown for the 13 trade unions with more than 100,000 members.

4.3 The statistics in Appendix 4 are based on 153 returns from listed and scheduled unions. This is two more than reported in the Annual Report for 2016-2017.

4.4 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 as at the end of the reporting year. This is because organisations which have ceased to exist still have to submit an annual return and new organisations may not have to submit a return until the next reporting period.

4.5 The trade unions from which returns were received, recorded a total membership of 6,875,231. The 13 unions with a membership of over 100,000, accounted for 5,824,111 members or 84.7% of the total. Returns received in the period show the distribution of trade union membership by size is as follows:
### Trade unions: distribution by size

<table>
<thead>
<tr>
<th>Number of Members</th>
<th>Number of Returns</th>
<th>Membership</th>
<th>Number of Unions</th>
<th>Membership of all Unions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Per cent</td>
<td>Per cent</td>
<td>Per cent</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cumulative</td>
<td>Per cent</td>
<td>Cumulative</td>
</tr>
<tr>
<td>Under 100</td>
<td>23</td>
<td>458</td>
<td>15.0</td>
<td>15.0</td>
</tr>
<tr>
<td>100-499</td>
<td>27</td>
<td>6,640</td>
<td>17.7</td>
<td>32.7</td>
</tr>
<tr>
<td>500-999</td>
<td>18</td>
<td>12,582</td>
<td>11.8</td>
<td>44.4</td>
</tr>
<tr>
<td>1,000-2,499</td>
<td>25</td>
<td>39,145</td>
<td>16.3</td>
<td>60.8</td>
</tr>
<tr>
<td>2,500-4,999</td>
<td>8</td>
<td>31,284</td>
<td>5.2</td>
<td>66.0</td>
</tr>
<tr>
<td>5,000-9,999</td>
<td>8</td>
<td>61,638</td>
<td>5.2</td>
<td>71.2</td>
</tr>
<tr>
<td>10,000-14,999</td>
<td>5</td>
<td>61,360</td>
<td>3.3</td>
<td>74.5</td>
</tr>
<tr>
<td>15,000-24,999</td>
<td>10</td>
<td>201,055</td>
<td>6.5</td>
<td>81.1</td>
</tr>
<tr>
<td>25,000-49,999</td>
<td>12</td>
<td>395,250</td>
<td>7.9</td>
<td>88.9</td>
</tr>
<tr>
<td>50,000-99,999</td>
<td>4</td>
<td>241,708</td>
<td>2.6</td>
<td>91.5</td>
</tr>
<tr>
<td>100,000-249,999</td>
<td>6</td>
<td>947,328</td>
<td>3.9</td>
<td>95.4</td>
</tr>
<tr>
<td>250,000 and over</td>
<td>7</td>
<td>4,876,783</td>
<td>4.6</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>153</td>
<td>6,875,231</td>
<td>100</td>
<td>100</td>
</tr>
</tbody>
</table>

4.6 The trade union membership of 6,875,231 recorded in this annual report compares to 6,865,056 reported in the previous annual report. This indicates an increase of 10,175 members or 0.15%. However, this included 147,330 retired members of UNISON that had not been included in previous totals. Without this figure the total figure would have been 6,727,901 or a decrease of 2%. The total recorded membership of around 7.0 million compares with a peak of 13.2 million in 1979, a fall of about 48%.

4.7 The following table shows the trade unions whose membership has increased or decreased by more than 5,000 since the previous reporting period.
**Trade Unions: Changes in Membership over 5,000 members**

<table>
<thead>
<tr>
<th></th>
<th>Total Membership</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2016-2017</td>
</tr>
<tr>
<td><strong>Increases</strong></td>
<td></td>
</tr>
<tr>
<td>Royal College of Nursing</td>
<td>452,669</td>
</tr>
<tr>
<td>UNISON: The Public Service Union</td>
<td>1,397,803¹</td>
</tr>
<tr>
<td><strong>Decreases</strong></td>
<td></td>
</tr>
<tr>
<td>British Medical Association</td>
<td>161,708</td>
</tr>
<tr>
<td>Association of Teachers and Lecturers</td>
<td>192,646</td>
</tr>
<tr>
<td>Public and Commercial Services Union</td>
<td>185,785</td>
</tr>
<tr>
<td>Unite the Union</td>
<td>1,282,671</td>
</tr>
</tbody>
</table>

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 94.6% of the total number of members. This compared to 94.2% 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 The Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (“the Lobbying Act”) introduced new provisions relating to the membership register of trade unions, which took effect from 6 April 2016. These provisions, incorporated into section 24 of the 1992 Act, impose a requirement on trade unions to submit to the Certification Officer annually a Membership Audit Certificate at the same time as the union’s annual return. The new provisions also provides further powers to the Certification Officer to investigate concerns that the provisions of section 24 of the 1992 Act are not being or have not been complied with by a trade union. These powers came into force on 1 June 2016.

¹This figure includes 147,330 retired members that had not been included in the previous year’s totals.
Membership Audit Certificate

4.11 Where trade union membership exceeds 10,000, the union is required by section 24ZB to appoint a qualified independent person to be an assurer. None of the following may act as an assurer (a) an officer or employee of the trade union or of any of its branches or sections; (b) a person who is a partner of, or in the employment of, or who employs, such an officer or employee.

4.12 The assurer is required to provide to the union a membership audit certificate (“the certificate”) in relation to the relevant reporting period this must be sent at the same time as it sends to the Certification Officer its annual return.

4.13 The certificate must state the name of, and be signed by, the assurer. The certificate must state whether, in the assurer’s opinion, the trade union’s system for compiling and maintaining the register of the names and addresses of its members was satisfactory for the purposes of complying with the union’s duties under section 24(1) throughout the reporting period; and whether, in the assurer’s opinion, the assurer has obtained the information and explanations which the assurer considers necessary for the performance of the assurer’s functions.

4.14 If the certificate states that in the assurer’s opinion, the trade union’s system for compiling and maintaining the register was not satisfactory for the purposes of complying with the union’s duties under section 24(1) throughout the reporting period; or in the assurer’s opinion, the assurer has failed to obtain the information and explanations which the assurer considers necessary for the performance of the assurer’s functions, the certificate must state the assurer’s reasons for making that statement. In the case of a failure to obtain information or explanations, the certificate must also provide a description of the information or explanations requested or required which have not been obtained; and state whether the assurer required that information or those explanations from the union’s officers, or officers of any of its branches or sections.

4.15 Where trade union membership is less than 10,000, the membership audit certificate must be completed by an authorised officer of the union who must state his or her name and whether, to the best of that officer’s knowledge and belief, the union has complied with the section 24 duty throughout the reporting period.

4.16 In this reporting year 153 membership audit certificates were due and all of these were received. No circumstances arose leading the Certification Officer to use her investigatory powers under the sections 24ZH and 24ZI of the 1992 Act.

4.17 No complaints of an alleged breach of section 24 of the 1992 Act were received during the period 1 April 2017 to 31 March 2018.
Finance

4.18 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.

4.19 From the returns received during this reporting period, the gross income of trade unions was £1,291.92 million, an increase of 0.4% on that recorded by unions in the previous year. Income from members rose by 0.5% to £917.36 million. Income from investments rose by 23.1% and income from other sources fell by 2.8%.

4.20 Gross expenditure by unions during this reporting period rose by 29.4% to £1,413.40 million, while at the end of the reporting period total funds (net assets) amounted to £1,307.90 million, a decrease of 14.0% over the previous period.

Salaries and benefits

4.21 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 18.30% of unions paid a salary to their general secretary of over £100,000; 20.92% paid between £60,001 and £100,000; 13.73% paid between £30,001 and £60,000; 9.8% paid up to £30,000; while the general secretaries of 33.33% did not receive a salary. A further six unions (3.92%), although paying no salary to their general secretary, did provide an honorarium or other benefits.

4.22 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

4.23 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 24 employers’ associations (including scheduled associations) with total income of more than £2,500,000.
4.24 The statistics in Appendix 6 are based on returns from 91 employers’ associations received in this reporting year compared with returns from 90 received in the reporting year for 2016-2017.

4.25 From the returns received in this period, the figures show the gross income of employers’ associations was £449.04 million compared with £477.91 million recorded for the previous year, a decrease of 6.0%. Income from members fell from £195.40 million to £191.76 million, a decrease of 1.9%. Income from investments rose from £10.13 million to £12.53 million, an increase of 23.7%. Other income fell from £272.38 million to £244.75 million a decrease of 10.1%. During the same period, expenditure rose from £449.55 million to £486.52 million, an increase of 8.2%.

4.26 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 £375.92 million, a decrease of £41.18 million (9.9%) over the figure reported for the previous period.

4.27 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 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 she 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 Certification Office continues to ensure that these requirements are not overlooked.

5.3 Where appropriate, actuarial reports received by the Certification Officer may be sent to the Government Actuaries Department (GAD) for its specialist comment. The views of GAD are passed on to the union.

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, four schemes had assets of over £500,000 and only the scheme of the National Union of Rail Maritime and Transport Workers covered more than 10,000 members.

1 In practice the requirements affect trade unions only. The Certification Office is not aware of any schemes maintained by employers’ associations.
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 in 2017-2018

5.6 An actuarial report on the Unite the Union – AEEU Section Superannuation Scheme was due and received during this period. There were no outstanding reports due at the end of the period. There are no actuarial reports due on superannuation schemes in the next reporting period.
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.

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.gov.uk/certificationofficer or on request from this office.
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 are 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, she shall make a declaration and may make an order specifying the steps which must be taken before she 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 she 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 for a prescribed fee (see Appendix 10).

**Trade unions formed by an amalgamation**

6.8 Where each of the amalgamating unions was on the Certification Officer’s list prior to the amalgamation, the new union will automatically be listed. Where each of the unions held a certificate of independence, the new union will automatically be issued with a certificate of independence. The listing and the certificate of independence shall be removed if the newly amalgamated union does not send certain prescribed information to the Certification Officer within six weeks of the date the amalgamation taking effect or such longer period as the Certification Officer may specify. The information to be sent to the Certification Officer is a copy of the rules of the new union, a list of its officers and the address of its head or main office, together with the prescribed fee (see Appendix 10).
Guidance
6.9 The Certification Office has produced two guidance booklets on the statutory requirements for transfers of engagements and amalgamations, one for trade unions and the other for employers’ associations. These explain the merger procedures in detail and set out, with explanatory notes, the matters to be included in an instrument of transfer or amalgamation. Copies are available on the Certification Officer’s website, www.gov.uk/certificationofficer, or may be obtained free of charge from the Certification 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 2017-2018
6.10 During this reporting period, there was one transfer of engagements and one amalgamation involving trade unions.

6.11 The registered transfer of engagements was Staff Union West Bromwich Building Society to Community which involved an estimated total of 478 members of the transferring union. The amalgamation was the National Union of Teachers (NUT) and Association of Teachers and Lecturers (ATL) which became the National Education Union (NEU). At the end of the last reporting period, the two unions which amalgamated had a combined total of 565,583 members. Details are given at Appendix 8.

6.12 The instrument of transfer of engagements for the National Association of Co-operative Officials (NACO) to Union of Shop Distributive and Allied Workers (USDAW) was approved in this reporting period but the instrument was not registered in this reporting period.

6.13 During the period 1 April 2017 to 31 March 2018, the Certification Officer received no complaints relating to any of the transfers of engagements or amalgamations.
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 1992 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 2016 to 31 March 2017.

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 (for members who joined before 1 March 2018)

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.

Effect of the Trade Union Act 2016 (‘the 2016 Act’)

7.4 The provisions of the 1992 Act relating to political funds were amended by the 2016 Act during the reporting period. This means that members who join a trade union with a political fund from 1 March 2018 (the end of a one year “transition period” beginning on 1 March 2017) cannot be required to contribute to the political fund unless they
have given notice of their willingness to contribute to that fund (an “opt-in notice”). Such members may also withdraw an opt-in notice by giving a “withdrawal notice”. Unions must notify members who join the union after the transition period of their right to provide a withdrawal notice. This notification must be given not later than the end of the period of eight weeks beginning with the day on which the annual return of the union is sent to me. The trade union must then send me a copy of the notification which is provided to its members as soon as is reasonably practicable after it is given. This applies to annual returns which are sent from 1 March 2018 onwards. In addition, application forms for members who join from 1 March 2018 must include a statement to the effect that a member may choose to contribute to the political fund and that a member will not suffer any detriment should they choose not to contribute.

**Amended political fund rules**

7.5 The political fund rules of all unions with political funds were required to be amended during the reporting period to reflect the above changes. Twenty-one unions fell under this requirement, all of which applied for approval of their amended rules. All of these were approved by 28 February 2018 in time for the commencement of the new requirements brought in by the 2016 Act. The Office identified some rules which required minor amendments, this was largely caused by difficulties with the guidance issued by this Office.

**Complaints**

7.6 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, she may make an order to remedy it.

7.7 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.

7.8 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, she may also make such an order for remedying the breach as she 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**

7.9 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
7.10 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 on the Certification Officer’s website, www.gov.uk/certificationofficer or on request from the Certification Office. Any trade union or employers’ association wishing to ballot its members on a political fund resolution should contact the Office at an early stage.

Effect of amalgamations
7.11 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 7.9) 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.

7.12 Where one or more amalgamating unions does not have a political fund the new amalgamated unions must, if it wishes to have a political fund, establish a new fund by putting a resolution for the furtherance of political objects to its members and adopting political fund rules which must be approved by the Certification Officer.

Political fund resolutions in force
7.13 As at 31 March 2018, there were 21 unions which had political fund resolutions in force. This is a decrease of one from the number that was reported last year. This is because of the changes detailed in paragraphs 7.14 and 7.15 below. The listed and scheduled trade unions in Appendix 1 which have a political fund are identified by the symbol (P).

Organisations with new political fund rules approved for the first time during 2017-2018
7.14 A certificate of approval was given to the political fund rules of National Education Union for the first time on 15 December 2017. This was a new trade union formed by an amalgamation of the National Union of Teachers and the Association of Teachers and Lecturers.

Political funds closed during the period
7.15 The political funds of two unions closed within the period. The first of these was the political fund of National Union of Teachers which closed because the union ceased to exist as a result of amalgamation. The second was the Association of Revenue of Customs which confirmed, on 19 January 2018, the closure of its political fund.

Political fund review ballots
7.16 During the reporting period, two trade unions were required by section 73(3) and 73(4) of the 1992 Act to hold a review ballot (see paragraph 7.9). These were POA and Education Institute of Scotland whose review dates were 15 August 2017 and 11 November 2017 respectively. POA’s political fund was approved on 25 October 2017 and the Educational Institute of Scotland’s was approved on 13 November 2017, meaning that, for each, there was a period during which their political fund resolution’s had lapsed.
Political funds of trade unions at 31 March 2018

7.17 Detailed statistical information about the political funds of trade unions is set out in Appendix 9. The statistics are derived from the 24 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 2016 and September 2017 (see paragraph 4.1).

7.18 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. 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.

7.19 Annual returns received during the period 1 April 2017 to 31 March 2018 contain information derived from annual returns with accounting periods which mainly end in December 2016 (see paragraph 4.1). The relevant annual returns show the total income of political funds as £24.41 million compared with £24.54 million reported during the period 2015-2016, a decrease of 0.52%. The total expenditure from political funds was £22.06 million compared with £25.60 million in the preceding year, a decrease of 13.81%. The returns received within the period also show that the total value of political funds during the reporting period was £34.03 million: up £2.32 million (6.81%) on the £31.71 million reported in 2016-2017.

Political fund membership

7.20 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 4,652,084 compared with 4,777,168 reported in 2015-2016, a decrease of 125,084 members or 2.6%.

Exemption notices

7.21 Exemption notices (see paragraph 7.3) are obtainable from the organisation concerned or from the Certification Office. The Certification Office did not supply any such notices during the period 1 April 2017 to 31 March 2018. The annual returns recorded 785,686 members who belong to unions with a political fund but 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.

Notification of members’ right to give a withdrawal notice

7.22 No notifications to members of their right to give a withdrawal notice (see paragraph 7.4) were received during the one month which fell within this reporting period.

Political fund complaints

7.23 During the period 1 April 2017 to 31 March 2018, the Certification Officer received one complaint regarding the use of a trade union’s fund for political purposes. This complaint has yet to be determined.
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 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 her 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 she shall also, unless she 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.
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.

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.gov.uk/certificationofficer.

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 £1,262.85.

Appeals on any question of law arising in proceedings before or arising from any decision of the Certification Officer may be made to the Employment Appeal Tribunal (EAT).

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.

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**

In the period 1 April 2017 to 31 March 2018, the Certification Officer received an application consisting of 10 complaints relating to the position of General Secretary of the Unite the Union. The Certification Officer appointed His Honour Jeffrey
Burke QC to hear the case. A directions hearing was held on 26 January 2018. A preliminary hearing to determine complaint one was held on 27 March 2018. The decision was issued on 4 May 2018; the ACO did not uphold the complaint. An appeal by the applicants to the EAT was dismissed on 12 June 2018.

8.12 During the period 1 April 2015 to 31 March 2017, Certification Officer received multiple applications regarding the election of the General Secretary of UNISON. In total five members of the union made applications relating to the same issues. There were two hearings (6 October 2016 and between 19 December 2016 and 21 December 2016). The Certification Officer appointed Her Honour Judge Mary Stacy to hear the case. The applications totalled 16 complaints. These were made up of two breaches of statute (one alleged breach of section 49(4) and one alleged breach of section 49(6) of the Trade Union and Labour Relations (Consolidation) Act 1992 which deals the appointment of independent scrutineer) and 14 breaches of rule. The decision was issued on 22 May 2017. The Assistant Certification Officer upheld one complaint of breach of union rule but did not deem it appropriate to make an enforcement order on the basis that it would be disproportionately punitive, in response to the breach found, to order the General Secretary election to be run again. An appeal by the applicants to the EAT was dismissed on 8 February 2018.
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 she 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 she is required to make such enquiries as she 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 written reasons for her decision and, where she makes the declaration sought, is required to make an enforcement order unless she
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 any decision of the Certification Officer, may be made to the Employment Appeal Tribunal (EAT).

Applications and decisions

9.8 In this reporting period, the Certification Officer determined eleven of the fifteen applications (against eight unions) that were outstanding from the previous reporting period. Four applications were not progressed by the applicants.

9.9 The Certification Officer received 14 new applications (against nine unions) relating to alleged breaches of union rule in this reporting period. Two of these applications were determined in this reporting period.

9.10 As of 31 March 2018, 12 applications remained to be determined.

9.11 The Certification Officer determined 52 complaints on 11 applications of breach of rule during the period 1 April 2017 to 31 March 2018. This includes four applications which were outstanding from the previous reporting period that were combined as two applications on determination. Eleven declarations were made that a union had breached or threatened to breach its rules and five enforcement orders were issued. Seven of the complaints were dismissed by the Certification Officer on withdrawal by the applicant. Of the complaints determined, the following are noteworthy:-

- **Mr M Rolfe v POA D/53-55/17-18**
  Mr Rolfe made three complaints of breach of union rules in relation to a disqualification from holding NEC posts until 2016. Two complaints were dismissed upon withdrawal by Mr Rolfe. The Certification Officer upheld one complaint in relation to a breach of union rule 10.9. The Certification Officer ordered that:-
The NEC remove the disqualification of Mr Rolfe from holding any National Executive post which was imposed on him under rule 10.9 following his resignation as a Prison Officer on 3 May 2017. This order will take effect from the date of this decision. This decision has been appealed by the union to the Employment Appeal Tribunal.

- **Boswell and Ors v URTU D/30-32/17-18**
  The claimants made three complaints alleging that URTU had breached its rules relating to disciplinary proceedings. The then Certification Officer, Gerard Walker appointed Jeffrey Burke QC as an Assistant Certification Officer (ACO) to hear this. The ACO upheld one complaint that the union had breached its rules relating to its appeals process and dismissed the other two complaints.

  The ACO made one enforcement order requiring the appeal to be held by the National Appeals Committee which had to be formed of members of the Triennial Delegate Meeting held on 23 October 2015.

- **Barron v University College Union D/40-48/17-18**
  Prof Barron made nine complaints of breaches of rule of the LSE branch of the UCU pursuant to s.108A(2) of the Trade Union and Labour Relations (Consolidation) Act 1992. Mary Stacy, the ACO appointed to hear this case, made a declaration that breaches had occurred in relation to two of the complaints which concerned branch elections. The other complaints were dismissed. The ACO did not make any enforcement orders. This decision has been appealed by Prof Barron to the Employment Appeal Tribunal.

- **Dr Elliott & Dr Borbora v British Medical Association D/33-39/17-18**
  Dr Elliott made four complaints and Dr Borbora made three complaints alleging breaches of union rule relating to disciplinary procedures under section 108A(1) of the Trade Union and Labour Relations (Consolidation) Act 1992.

  The Certification Officer refused all of Dr Elliott and Dr Borbora’s applications.

- **Mr Alec McFadden v Unite the Union D/28-29/17-18**
  The applicant made two complaints under section 108A(1) of the Trade Union Labour Relations (Consolidation) Act 1992 that Unite the Union had breached its rules relating to disciplinary proceedings. Following submissions from the parties on two preliminary issues Jeffrey Burke QC the ACO, appointed by the Certification Officer to hear the complaints, decided to uphold the applicant’s complaints of breach of rules.
The ACO ordered that:

1. Unite take all reasonable steps to ensure that the Claimant is, within 14 days of this order, restored, for the remainder of the respective terms of each office, to each of the posts and positions within Unite from which he was removed by reason of the penalties imposed in those disciplinary proceedings.

2. Unite should forthwith communicate to each of its branches in its North-West region his decision in this case.

- **Mr Tully v National Crime Officers Association D/23-27/17-18**
  The applicant made five complaints under section 108A(1) of the Trade Union Labour Relations (Consolidation) Act 1992 that the National Crime Officers Association had breached its rules relating to disciplinary proceedings. The Certification Officer made five declarations that the union had breached its rules. The following enforcement orders were made:

  1. The National Executive Committee’s decision at its meeting on 7 to 8 September 2016 to expel Mr Tully from membership of the NCOA is null and void.

  2. The Union make arrangement to restore Mr Tully to membership of the NCOA by 19 November 2017.

- **Penkethman & Walker v Communication Workers Union D/21-22/17-18**
  Ms Penkethman and Mr Walker made one complaint alleging a breach of rule relating to canvassing during the 2017 elections in the Midland No 7 branch of the CWU under section 108A(1) of the Trade Union and Labour Relations (Consolidation) Act 1992. Mr Walker made a further separate complaint relating to the receiving of a voting paper during the same election.

  The Certification Officer refused both of the claimants’ applications. Mr Walker has appealed this decision to the Employment Appeal Tribunal.

- **Burgess and Ors, Wakefield, Bannister and Rogers v UNISON D/5-20/17-18**
  The applicants made 16 complaints that UNISON had breached its rules in relation to its 2015 General Secretary election. Many of the complaints contained multiple allegations of breaches. In addition it was alleged that the Union breached section 49(4) and 49(6) of the 1992 Act also in relation to the 2015 UNISON General Secretary election. HHJ Mary Stacey, the ACO appointed to hear the case, made decisions relating to all of the above complaints. She made one declaration that the union had breached its rules relating to the use of union resources being used to support
candidates. No enforcement order was made, on the basis that it would be disproportionately punitive, in response to the breach found, to order the General Secretary election to be run again. An appeal by the applicants to the Employment Appeal Tribunal was dismissed on 8 February 2018.

9.12 Copies of all decisions made by the Certification Officer are available on the Certification Officer’s website: www.gov.uk/certificationofficer. Hard copies of decisions can be obtained free of charge upon request to the Certification Office.

9.13 In the period 1 April 2017 to 31 March 2018, a total of 924 enquiries were received. These fall under the following broad headings:

- General advice on the role of the Certification Officer: 81
- Issues relating to the listing of trade unions and employers’ associations: 145
- Enquiries about annual returns and financial issues: 106
- Certificates of independence: 21
- Appointment, election or dismissal from any office in the union: 22
- Disciplinary proceedings within the union: 35
- Balloting of union members (other than industrial action): 3
- Political funds: 78
- Statutory elections: 10
- Inadequate representation of members by their union: 293
- Others: 130
- Total: 924

9.14 There was a slight increase of five enquiries in the current reporting period compared to the figure reported in 2016-17.

9.15 Not all enquiries made could result in applications to the Certification Officer. For example, the Certification Officer has no jurisdiction regarding alleged inadequate representation of members by their union or in relation to the provision of union benefits or membership.
Appendices
Appendix 1
(see paragraph 1.12)

List of Trade Unions at 31 March 2018

**Notes:**

*Italic* Denotes a trade union first entered in the list during 1 April 2017 to 31 March 2018.

* Denotes a trade union holding a certificate of independence at 31 March 2018.

(P) Denotes a trade union with a political fund resolution in force at 31 March 2018.

**England and Wales**

* Accord  
* Advance  
* Affinity  
  Aircrew Officers Association Europe  
  Alliance for Finance  
* Artists’ Union England  
* ASPSU  
* Associated Society of Locomotive Engineers and Firemen (P)  
* Associated Train Crew Union  
* Association for Clinical Biochemistry & Laboratory Medicine, The  
* Association of Educational Psychologists  
* Association of Local Authority Chief Executives  
* Association of Revenue and Customs  
* Association of School and College Leaders

* Bakers Food and Allied Workers Union (P)  
  Balfour Beatty Group Staff Association  
  BLUECHIP STAFF ASSOCIATION  
  Boots Pharmacists’ Association (BPA)  
* Britannia Staff Union  
* British Air Line Pilots Association  
* 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 Trade Union
Cabin Crew Union UK
* Chartered Society of Physiotherapy
City Screen Staff Forum
Cleaners and Allied Independent Workers Union (CAIWU)
* Communication Workers Union (P)
* Community (P)
  
  Confederation of British Surgery
  Currys Supply Chain Staff Association (CSCSA)
  CU Staff Consultative Group

Driver and General Union

Employees General Union
Employees United
Equality for Workers Union (EFWU)
* Equity (Incorporating the Variety Artistes Federation)
  European SOS Trade Union

* FDA
* Fire Brigades Union (P)
* Fire Officers Association
* Finance Services Union

  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
* Independent Workers Union of Great Britain (IWGB)
* Industrial Workers of the World
  Institute of Football Management and Administration
* Institute of Journalists (Trade Union)

  Leeds Building Society Colleague 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 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 Racing Staff
* National Crime Officers Association
* National Education Union (P)
* National House Building Council Staff Association
* National Society for Education in Art and Design
* National Union of Journalists
* National Union of Mineworkers (P)
  National Union of Mineworkers (Cokemen’s Area)
* National Union of Mineworkers (Colliery Officials and Staffs Area)
* National Union of Mineworkers (Colliery Officials and Staffs Area) (Region No. 4)
  National Union of Mineworkers (South Wales Area)
* National Union of Rail Maritime and Transport Workers (P)
* Nationwide Group Staff Union
* Nautilus International
  News Union
  North of England Zoological Society Staff Association
  Palm Paper Staff Association
* PDA Union
* POA (P)
* PPU
* Prison Governors Association
  Professional Cricketers Association
  Professional Footballers Association
* Prospect (P)
  PTSC
* Public and Commercial Services Union (P)
  R&C Trade Union
* Retail Book Stationery and Allied Trades Employees Association
* Retained Firefighters Union
* Royal College of Midwives
* Royal College of Nursing of the United Kingdom
  RSPB Staff Association
  Rugby Players Association
* Sales Staff Association
* SKYSHARE
* Social Workers Union (SWU)
* Society of Authors
* Society of Chiropodists and Podiatrists
* Society of Radiographers (P)
* Society of Union Employees (UNISON)

* Transport Salaried Staffs Association (P)

* Undeb Cenedlaethol A thrawnon Cymru (National Association of Teachers of Wales)
* Union of Democratic Mineworkers
    Union of General and Volunteer Workers
* Union of Shop Distributive and Allied Workers (P)
* UNISON – The Public Service Union (P)
* United Road Transport Union
* United Voices of the World
* Unite the Union (P)
* University and College Union (P)

* Voice

    Warwick International Staff Association
    Welsh Rugby Players Association
* Workers of England Union
* Workers Uniting
* Writers Guild of Great Britain

**Scotland**

* Aegis the Union
* Association of Head Teachers and Deputes in Scotland

* Educational Institute of Scotland (P)

    Independent Federation of Nursing in Scotland

    Scottish Artists Union
* Scottish Secondary Teachers’ Association
    Solidarity

* United and Independent Union

**Notes:**

* **Italics** Denotes a trade union first entered in the list during 1 April 2017 to 31 March 2018.
* **(P)** Denotes a trade union with a political fund resolution in force at 31 March 2018.
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 2018.

Notes:
(≠) Denotes a branch of an American Trade Union.

**England and Wales**
Association of Flight Attendants (Council 07) ≠
Association of Local Council Clerks
Association of Trade Union Political and Public Sector Staff

Confederation of Shipbuilding and Engineering Unions

Employees Representatives

Federation of Entertainment Unions

International Transport Workers Federation

National Union of Mineworkers (North East Area)

Trades Union Congress

**Scotland**
National Union of Mineworkers (Scotland Area)

Professional Footballers Association Scotland

Scottish Colliery Enginemen Boilermen and Tradesmens Association
Appendix 2
(see paragraph 1.12)

List of Employers’ Associations at 31 March 2018

Notes:
*Italics* Denotes an employers’ association first entered in the list during 1 April 2017 to 31 March 2018

England and Wales
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

British Amusement Catering Trades Association
British Lace Federation
British Printing Industries Federation
Builders Merchants Federation Ltd
Building & Engineering Services Association

Construction Plant-Hire 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
Leather Producers Association
London Councils

Mastic Asphalt Council
National Association of Farriers Blacksmiths and Agricultural Engineers
National Association of Master Bakers
National Farmers Union
National Federation of Retail Newsagents
National Hairdressers Federation Ltd
National Trainers Federation
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 7
UK Cinema Association
UK Fashion and Textile Association Ltd
Vehicle Builders and Repairers Association Limited

*Welsh Local Government Association*
West Midlands Employers

Yorkshire and Humber (Local Authorities) Employers’ Association

**Scotland**
Electrical Contractors Association of Scotland
Employers in Voluntary Housing Limited

Print 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 2018.

**England and Wales**
Association of Colleges

B F M Limited
British Allied Trade Federation
British Footwear Association
British Printing Industries Federation Ltd
British Travelgoods and Accessories Association

Chemical Industries Association Ltd
Confederation of Paper Industries Ltd
Co-operative Employers Association Limited

Dairy UK

East Midlands Councils

Freight Transport Association

Incorporated Guild of Hairdressers Wigmakers and Perfumers
Improvement and Development Agency
London Association of Funeral Directors
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
UK Theatre Association
Universities and Colleges Employers Association

Scotland

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 Motor Trade Association Limited
SNIPEF Edinburgh and District Branch
SNIPEF Glasgow and West of Scotland
Appendix 3
(see paragraphs 2.8 to 2.12)

Decisions on Trade Union Independence during the period 1 April 2017 to 31 March 2018

Certificates of independence issued
United Voices of the World
National Education Union
National House Building Council Staff Association

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
Ellington Branch of the North East Area of the National Union of Mineworkers

Certificates cancelled because the union’s name was removed from the list of trade unions as the result of a merger
Staff Union West Bromwich Building Society
Association of Teachers and Lecturers
National Union of Teachers

Applications in progress

Number of Certificates in force as at 31 March 2018
92
Appendix 4

Summary of Statistics – Trade Unions, returns received, during the period 1 April 2017 to 31 March 2018

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 www.gov.uk/certificationofficer or copies can be 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 2016, the table includes returns from trade unions with year ending dates ranging from October 2016 to September 2017 and therefore due in this Office between 1 April 2017 and 31 March 2018.

Notes to the Summary of Statistics schedule

(a) The total membership reported by some trade unions includes a number of special categories (eg. honorary or retired) who are members under the union’s rules but who either pay no contribution to union funds or make a nominal payment only.

(b) Investment income is shown net of certain items such as outgoings on property held as an investment, but not, for most unions, net of tax paid on that income.

(c) The total income and total expenditure figures are not confined to normal revenue income and expenditure. The figures cover all items which increased or decreased a union’s total funds during the year. They are inclusive of recognised gains and losses, including revaluation of property and assets and other changes in the value of assets, which are not offset by an equal change in liabilities. Tax recoveries and provisions no longer required are included in total income, and tax paid is included in total expenditure.

(d) Some figures may have changed from last year’s report due to later information. Some unions may have made adjustments to the beginning of year figure.
Summary of Statistics – Trade Unions, 2016-2017
(see paragraph 4.3)

<table>
<thead>
<tr>
<th>Number of Members</th>
<th>GROSS INCOME</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>From Members</td>
</tr>
<tr>
<td></td>
<td>£000's (2)</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>UNISON: The Public Service Union</td>
<td>1,397,803</td>
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<td>GMB</td>
<td>617,213</td>
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<td>Royal College of Nursing of the United Kingdom</td>
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<td>Union of Shop Distributive and Allied Workers</td>
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<td>National Union of Teachers</td>
<td>372,937</td>
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<td>National Association of Schoolmasters Union of Women Teachers</td>
<td>318,700</td>
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<td>Association of Teachers and Lecturers</td>
<td>192,646</td>
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<td>190,628</td>
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<td>Public and Commercial Services Union</td>
<td>185,785</td>
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<td>British Medical Association</td>
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<td>Prospect</td>
<td>112,576</td>
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<tr>
<td>University and College Union</td>
<td>103,985</td>
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</tbody>
</table>

**Total for above unions with 100,000 members or more**

5,824,111  707,476  27,176  159,345  893,997

**Total for 128 other listed unions with less than 100,000 members**

1,048,533  186,882  20,398  90,347  297,627

**Total for listed unions**

6,872,644  894,358  47,574  249,692  1,191,624

**Trades Union Congress**

51  15,515  3,590  15,127  34,232

**Total for 11 other unlisted unions which have submitted returns**

2,536  7,489  1,302  57,273  66,064

**Total for all unions 2016-2017**

6,875,231  917,362  52,466  322,092  1,291,920

**Total for all unions 2015-2016**

6,865,056  912,458  42,621  331,401  1,286,480

Notes – see previous page
### Appendix 4

<table>
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<tr>
<th>GROSS EXPENDITURE</th>
<th>TOTAL FUNDS</th>
<th>GROSS ASSETS</th>
<th>Total Liabilities</th>
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<td>Total Expenditure (c) £000’s (6)</td>
<td>Beginning of the Year £000’s (7)</td>
<td>End of the Year £000’s (8)</td>
<td>Fixed Assets £000’s (9)</td>
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<td>148,182</td>
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<td>60,138</td>
<td>93,586</td>
<td>35,812</td>
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<td>33,773</td>
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<td>19,338</td>
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<td>1,092,201</td>
<td>1,326,122</td>
<td>1,520,402</td>
<td>651,412</td>
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## Appendix 5

(see paragraph 4.21)

### Salary and Benefits of Trade Union General Secretaries

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<tr>
<th>Title</th>
<th>Salary</th>
<th>Benefits</th>
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<td><strong>England and Wales</strong></td>
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<td></td>
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<tr>
<td>Accord</td>
<td>118,518</td>
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<td>Advance</td>
<td>15,699</td>
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<td>Affinity</td>
<td>84,000</td>
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<td>Associated Society of Locomotive Engineers and Firemen</td>
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<td>Association of Educational Psychologists</td>
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<td>7,040</td>
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<td>Association of School and College Leaders</td>
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<td>Association of Teachers and Lecturers</td>
<td>119,054</td>
<td>115,944 (a)</td>
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<tr>
<td>Association of Trade Union Political and Public Sector Staff</td>
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<td>Bakers, Food and Allied Workers’ Union</td>
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<td>16,708</td>
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<td>Bluechip Staff Association</td>
<td>30,031</td>
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<tr>
<td>Boots Pharmacists’ Association (BPA), The</td>
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<td>Britannia Staff Association</td>
<td>67,656</td>
<td>11,548</td>
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<td>British Air Line Pilots Association</td>
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<td>18,614</td>
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<td>British Association of Journalists</td>
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<td>British Dental Association</td>
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<td>British Medical Association</td>
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<td>Chartered Society of Physiotherapy</td>
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<td>20,670</td>
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<td>Communication Workers Union</td>
<td>89,933</td>
<td>26,640</td>
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<td>Community</td>
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<td>31,471</td>
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<tr>
<td>Confederation of Shipbuilding and Engineering Unions</td>
<td>80,720</td>
<td>21,122</td>
</tr>
<tr>
<td>Organisation</td>
<td>Position</td>
<td>General Secretary</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
<td>-------------------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>Curry’s Supply Chain Staff Association (CSCSA)</td>
<td>General Secretary</td>
<td>29,741</td>
</tr>
<tr>
<td>Driver and General Union</td>
<td>General Secretary</td>
<td>39,239</td>
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<tr>
<td>Equity (Incorporating the Variety Artistes’ Federation)</td>
<td>General Secretary</td>
<td>107,650</td>
</tr>
<tr>
<td>FDA</td>
<td>General Secretary</td>
<td>102,987</td>
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<tr>
<td>Financial Services Union</td>
<td>General Secretary</td>
<td>135,104</td>
</tr>
<tr>
<td>Fire Brigades Union</td>
<td>General Secretary</td>
<td>72,848</td>
</tr>
<tr>
<td>Fire Officers’ Association</td>
<td>General Secretary</td>
<td>37,248</td>
</tr>
<tr>
<td>G4S Care and Justice Services Staff Association</td>
<td>General Secretary</td>
<td>35,023</td>
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<tr>
<td>General Federation of Trade Union</td>
<td>General Secretary</td>
<td>67,009</td>
</tr>
<tr>
<td>GMB</td>
<td>General Secretary</td>
<td>221,000 (a) (e)</td>
</tr>
<tr>
<td>Guild of Professional Teachers of Dance, Movement to Music and Dramatic Arts</td>
<td>General Secretary</td>
<td>14,868</td>
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<tr>
<td>Headmasters’ and Headmistresses’ Conference</td>
<td>General Secretary</td>
<td>114,754</td>
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<tr>
<td>Hospital Consultants and Specialists Association</td>
<td>Chief Executive Officer</td>
<td>87,790</td>
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<tr>
<td>Independent Democratic Union</td>
<td>General Secretary</td>
<td>52,625</td>
</tr>
<tr>
<td>Independent Pilots Association</td>
<td>General Secretary</td>
<td>38,442</td>
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<tr>
<td>Institute of Football Management and Administration, The</td>
<td>General Secretary</td>
<td>8,620</td>
</tr>
<tr>
<td>Institute of Journalists (Trade Union)</td>
<td>General Secretary</td>
<td>37,089</td>
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<tr>
<td>International Transport Workers Federation</td>
<td>General Secretary</td>
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<tr>
<td>ISU</td>
<td>General Secretary</td>
<td>66,001</td>
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<tr>
<td>Locum Doctor’s Association</td>
<td>Chairperson</td>
<td>0</td>
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<tr>
<td>Musicians Union</td>
<td>General Secretary</td>
<td>120,731</td>
</tr>
<tr>
<td>NAPO – The Trade Union and Professional Association for Family Court and Probation Staff</td>
<td>General Secretary</td>
<td>70,924</td>
</tr>
<tr>
<td>National Association of Co-operative Officials</td>
<td>General Secretary</td>
<td>66,003</td>
</tr>
<tr>
<td>National Association of Head Teachers</td>
<td>General Secretary</td>
<td>138,214</td>
</tr>
<tr>
<td>National Association of NFU Group Secretaries</td>
<td>General Secretary</td>
<td>10,534</td>
</tr>
<tr>
<td>Organization</td>
<td>Position</td>
<td>Salary 1</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
<td>---------------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>National Association of Racing Staff</td>
<td>Chief Executive</td>
<td>55,229</td>
</tr>
<tr>
<td>National Association of Schoolmasters Union of Women Teachers</td>
<td>General Secretary</td>
<td>103,565</td>
</tr>
<tr>
<td>National Crime Officers Association</td>
<td>Secretary</td>
<td>34,186</td>
</tr>
<tr>
<td>National Society for Education in Art and Design</td>
<td>General Secretary</td>
<td>45,450</td>
</tr>
<tr>
<td>National Union of Journalists</td>
<td>General Secretary</td>
<td>108,843</td>
</tr>
<tr>
<td>National Union of Mineworkers</td>
<td>Secretary</td>
<td>33,765</td>
</tr>
<tr>
<td>National Union of Mineworkers (Colliery Officials and Staffs Area Region No 4)</td>
<td>General Secretary</td>
<td>12,240</td>
</tr>
<tr>
<td>National Union of Mineworkers (Northumberland Area)</td>
<td>General Secretary</td>
<td>17,323</td>
</tr>
<tr>
<td>National Union of Mineworkers (South Wales Area)</td>
<td>General Secretary</td>
<td>54,817</td>
</tr>
<tr>
<td>National Union of Rail, Maritime and Transport Workers</td>
<td>Acting Secretary</td>
<td>98,086</td>
</tr>
<tr>
<td>National Union of Teachers</td>
<td>General Secretary</td>
<td>87,895</td>
</tr>
<tr>
<td>Nationwide Group Staff Union</td>
<td>General Secretary</td>
<td>125,988</td>
</tr>
<tr>
<td>Nautilus International</td>
<td>General Secretary</td>
<td>94,798</td>
</tr>
<tr>
<td>News Union</td>
<td>General Secretary</td>
<td>82,693</td>
</tr>
<tr>
<td>PDA Union</td>
<td>General Secretary</td>
<td>0</td>
</tr>
<tr>
<td>POA</td>
<td>General Secretary</td>
<td>78,899</td>
</tr>
<tr>
<td>Professional Cricketers Association</td>
<td>General Secretary</td>
<td>137,273</td>
</tr>
<tr>
<td>Professional Footballers’ Association</td>
<td>General Secretary</td>
<td>1,965,948</td>
</tr>
<tr>
<td>Prospect</td>
<td>General Secretary</td>
<td>112,000</td>
</tr>
<tr>
<td>Public and Commercial Services Union</td>
<td>General Secretary</td>
<td>93,810</td>
</tr>
<tr>
<td>Retail Book Stationery and Allied Trades Employees Association</td>
<td>President</td>
<td>35,019</td>
</tr>
<tr>
<td>Retained Firefighters Union</td>
<td>Chief Executive Officer</td>
<td>44,836</td>
</tr>
<tr>
<td>Royal College of Midwives</td>
<td>General Secretary</td>
<td>122,566</td>
</tr>
<tr>
<td>Royal College of Nursing of the United Kingdom</td>
<td>General Secretary</td>
<td>159,732</td>
</tr>
<tr>
<td>RSPB Staff Association</td>
<td>Chairperson</td>
<td>1,200</td>
</tr>
<tr>
<td>Rugby Players Association, The</td>
<td>General Secretary</td>
<td>84,758</td>
</tr>
<tr>
<td>Social Workers Union, The</td>
<td>General Secretary</td>
<td>58,166</td>
</tr>
<tr>
<td>Society of Authors, The</td>
<td>General Secretary</td>
<td>101,488</td>
</tr>
<tr>
<td>Society of Chiropodists and Podiatrists</td>
<td>General Secretary</td>
<td>128,045</td>
</tr>
<tr>
<td>Society of Radiographers</td>
<td>Chief Executive Officer</td>
<td>54,644</td>
</tr>
<tr>
<td>Union/Association</td>
<td>Position</td>
<td>Salary 1</td>
</tr>
<tr>
<td>-------------------------------------------------------------</td>
<td>----------------</td>
<td>----------</td>
</tr>
<tr>
<td>Staff Union West Bromwich Building Society</td>
<td>Acting General Secretary</td>
<td>0</td>
</tr>
<tr>
<td>Trades Union Congress</td>
<td>General Secretary</td>
<td>111,860</td>
</tr>
<tr>
<td>Transport Salaried Staffs Association</td>
<td>General Secretary</td>
<td>82,488</td>
</tr>
<tr>
<td>UFS</td>
<td>General Secretary</td>
<td>83,197</td>
</tr>
<tr>
<td>Undeb Cenedlaethol Athrawon Cymru (The National Association of the Teachers of Wales)</td>
<td>General Secretary</td>
<td>50,863</td>
</tr>
<tr>
<td>Union of Construction, Allied Trades and Technicians</td>
<td>General Secretary</td>
<td>81,453</td>
</tr>
<tr>
<td>Union of Democratic Mineworkers</td>
<td>General Secretary</td>
<td>50,260</td>
</tr>
<tr>
<td>Union of General &amp; Volunteer Workers</td>
<td>General Secretary</td>
<td>750</td>
</tr>
<tr>
<td>Union of Shop Distributive and Allied Workers</td>
<td>General Secretary</td>
<td>104,294</td>
</tr>
<tr>
<td>UNISON: The Public Service Union</td>
<td>General Secretary</td>
<td>101,075</td>
</tr>
<tr>
<td>Unite the Union</td>
<td>General Secretary</td>
<td>74,802</td>
</tr>
<tr>
<td>United Road Transport Union</td>
<td>General Secretary</td>
<td>61,697</td>
</tr>
<tr>
<td>United Voices of the World</td>
<td>General Secretary</td>
<td>0</td>
</tr>
<tr>
<td>University and College Union</td>
<td>General Secretary</td>
<td>105,579</td>
</tr>
<tr>
<td>Voice</td>
<td>General Secretary</td>
<td>64,652</td>
</tr>
<tr>
<td>Welsh Rugby Players Association</td>
<td>General Secretary</td>
<td>19,500</td>
</tr>
<tr>
<td>Workers of England Union</td>
<td>General Secretary</td>
<td>19,378</td>
</tr>
<tr>
<td>Writers Guild of Great Britain</td>
<td>General Secretary</td>
<td>46,974</td>
</tr>
</tbody>
</table>
## Scotland

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Role</th>
<th>Salary</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aegis</td>
<td>General Secretary</td>
<td>74,119</td>
<td>14,287</td>
</tr>
<tr>
<td>Association of Headteachers and Deputes in Scotland</td>
<td>General Secretary</td>
<td>62,658</td>
<td>11,187</td>
</tr>
<tr>
<td>Educational Institute of Scotland</td>
<td>General Secretary</td>
<td>97,509</td>
<td>29,531</td>
</tr>
<tr>
<td>Independent Federation of Nursing in Scotland</td>
<td>General Secretary</td>
<td>29,904</td>
<td>0</td>
</tr>
<tr>
<td>National Union of Mineworkers (Scotland Area)</td>
<td>General Secretary</td>
<td>27,810</td>
<td>2,329</td>
</tr>
<tr>
<td>Professional Footballers Association Scotland</td>
<td>Chief Executive</td>
<td>64,494</td>
<td>498</td>
</tr>
<tr>
<td>Scottish Secondary Teachers Association</td>
<td>General Secretary</td>
<td>85,572</td>
<td>14,773</td>
</tr>
<tr>
<td>Solidarity</td>
<td>General Secretary</td>
<td>7,432</td>
<td>706</td>
</tr>
</tbody>
</table>

Notes:

(a) Total paid in respect of two people holding office as General Secretary within the period and is not the sum paid to one individual

(b) This includes a termination payment of £100,000

(c) Union submitted two returns in the Certification Officer’s annual reporting period 17-18. Salary reported on is taken from the union’s 2016 return. The union’s second return covers the period of 8 months up until the union amalgamated to form the National Education Union on 1 September 2017. The General Secretary’s salary for the 8-month period is published online along with the 2016 return

(d) Honorarium

(e) This includes a retirement testimonial of £113,000 to the outgoing General Secretary

(f) This includes an assets transfer of £14,000 to the outgoing General Secretary

(g) This includes bonus of £777,183

(h) Salary paid to General Secretary includes all aspects of College and not just the Union

(i) This includes payment of £62,015 made in respect of the General Secretary’s role as chief executive of the RCN Charter Body

(j) Secondment fee to WBBS

(k) Salary sacrifice: £8,805
Appendix 6

Summary of Statistics – Employers’ Associations, returns received during the period 
1 April 2017 to 31 March 2018

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 2016, the table includes returns from employers’ associations with year ending dates ranging from October 2016 to September 2017 and therefore due in this Office between 1 April 2017 and 31 March 2018.

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 year’s report due to later information.
### Summary of Statistics – Employers’ Associations, 2016-2017
(see paragraph 4.23)

<table>
<thead>
<tr>
<th>Employers’ Associations with over £2,500,000 total income</th>
<th>GROSS INCOME</th>
<th>GROSS EXPENDITURE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>From Members</td>
<td>From Investments</td>
</tr>
<tr>
<td></td>
<td>£000’s (1)</td>
<td>£000’s (2)</td>
</tr>
<tr>
<td>England and Wales Cricket Board Limited</td>
<td>0</td>
<td>676</td>
</tr>
<tr>
<td>London Councils</td>
<td>47,095</td>
<td>(765)</td>
</tr>
<tr>
<td>National Farmers Union</td>
<td>29,883</td>
<td>3,378</td>
</tr>
<tr>
<td>EEF Ltd</td>
<td>16,834</td>
<td>2,602</td>
</tr>
<tr>
<td>Freight Transport Association Limited</td>
<td>28,025</td>
<td>26</td>
</tr>
<tr>
<td>Electrical Contractors Association</td>
<td>4,095</td>
<td>1,410</td>
</tr>
<tr>
<td>Road Haulage Association Limited</td>
<td>3,863</td>
<td>18</td>
</tr>
<tr>
<td>Building &amp; Engineering Services Association</td>
<td>3,724</td>
<td>596</td>
</tr>
<tr>
<td>Retail Motor Industry Federation Limited</td>
<td>3,712</td>
<td>393</td>
</tr>
<tr>
<td>Glass and Glazing Federation</td>
<td>1,067</td>
<td>796</td>
</tr>
<tr>
<td>Society of London Theatre “SOLT”</td>
<td>527</td>
<td>32</td>
</tr>
<tr>
<td>Association of Colleges</td>
<td>5,082</td>
<td>(299)</td>
</tr>
<tr>
<td>British Allied Trade Federation</td>
<td>1,151</td>
<td>342</td>
</tr>
<tr>
<td>Federation of Master Builders</td>
<td>3,848</td>
<td>2</td>
</tr>
<tr>
<td>Chemical Industries Association Limited</td>
<td>3,601</td>
<td>3</td>
</tr>
<tr>
<td>National Federation of Retail Newsagents</td>
<td>3,900</td>
<td>94</td>
</tr>
<tr>
<td>Electrical Contractors Association of Scotland T/A SELECT</td>
<td>1,440</td>
<td>1,002</td>
</tr>
<tr>
<td>British Printing Industries Federation</td>
<td>2,288</td>
<td>0</td>
</tr>
<tr>
<td>NFU Scotland</td>
<td>2,070</td>
<td>64</td>
</tr>
<tr>
<td>Showmen’s Guild of Great Britain, The</td>
<td>1,025</td>
<td>1</td>
</tr>
<tr>
<td>Producers Alliance For Cinema and Television Limited</td>
<td>2,354</td>
<td>7</td>
</tr>
<tr>
<td>Engineering Construction Industry Association</td>
<td>1,789</td>
<td>331</td>
</tr>
<tr>
<td>Scottish Motor Trade Association Limited</td>
<td>321</td>
<td>7</td>
</tr>
<tr>
<td>Building Merchants Federation Ltd</td>
<td>772</td>
<td>285</td>
</tr>
</tbody>
</table>

**Total for above Employers’ Associations** 168,466 11,001 228,008 407,475 440,279
**Total for 36 other listed Employers’ Associations** 11,683 937 10,479 23,098 23,863
**Total for 31 other unlisted Employers’ Associations** 11,608 593 6,261 18,462 22,373

**Total for all Employers’ Associations 2016-2017** 191,757 12,531 244,748 449,036 486,515
**Total for all Employers’ Associations 2015-2016** 195,401 10,130 272,381 477,912 449,546

See Notes on previous page
<table>
<thead>
<tr>
<th>Employers’ Associations with over £2,500,000 total income</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Merchants Federation Ltd</td>
</tr>
<tr>
<td>Scottish Motor Trade Association Limited</td>
</tr>
<tr>
<td>Producers Alliance For Cinema and Television Limited</td>
</tr>
<tr>
<td>National Federation of Retail Newsagents</td>
</tr>
<tr>
<td>Federation of Master Builders</td>
</tr>
<tr>
<td>British Allied Trade Federation</td>
</tr>
<tr>
<td>Association of Colleges</td>
</tr>
<tr>
<td>Glass and Glazing Federation</td>
</tr>
<tr>
<td>Retail Motor Industry Federation Limited</td>
</tr>
<tr>
<td>Building &amp; Engineering Services Association</td>
</tr>
<tr>
<td>EEF Ltd</td>
</tr>
<tr>
<td>National Farmers Union</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Members</th>
<th>From (1)</th>
<th>GROSS INCOME</th>
<th>GROSS ASSETS</th>
<th>Number of Members</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>£000’s</td>
<td>£000’s</td>
<td>£000’s</td>
<td>£000’s</td>
</tr>
<tr>
<td></td>
<td>(6)</td>
<td>(7)</td>
<td>(8)</td>
<td>(9)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(10)</td>
<td>(11)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(12)</td>
<td>(13)</td>
</tr>
<tr>
<td>73,106</td>
<td>35,747</td>
<td>1,842</td>
<td>43,751</td>
<td>52,104</td>
</tr>
<tr>
<td>(10,510 )</td>
<td>(17,374)</td>
<td>1,538</td>
<td>0</td>
<td>22,485</td>
</tr>
<tr>
<td>110,684</td>
<td>109,655</td>
<td>16,952</td>
<td>125,582</td>
<td>9,996</td>
</tr>
<tr>
<td>46,308</td>
<td>55,937</td>
<td>24,391</td>
<td>54,623</td>
<td>15,374</td>
</tr>
<tr>
<td>3,474</td>
<td>4,063</td>
<td>3,665</td>
<td>0</td>
<td>10,020</td>
</tr>
<tr>
<td>50,459</td>
<td>50,948</td>
<td>3,406</td>
<td>56,285</td>
<td>30,712</td>
</tr>
</tbody>
</table>

| 3,086   | 3,726    | 2,064        | 290          | 4,023            |
| 6,380   | 1,353    | 2,973        | 7,925        | 8,952            |
| 22,662  | 24,367   | 5,067        | 22,618       | 1,360            |
| 7,755   | 10,838   | 3,175        | 5,719        | 3,931            |
| 911     | 1,102    | 1,643        | 0            | 18,317           |
| (6,239 )| (8,966)  | 124          | 0            | 6,258            |

| 11,924  | 14,774   | 1,431        | 14,430       | 1,415            |
| 8,086   | 8,047    | 4,909        | 2,111        | 3,062            |
| 2,250   | 2,714    | 329          | 0            | 3,448            |
| 7,725   | 8,011    | 3,988        | 3,247        | 1,615            |
| 4,721   | 5,531    | 2,915        | 50           | 3,177            |
| (2,352 )| (3,213)  | 433          | 0            | 885              |

| 2,410   | 2,669    | 179          | 2,505        | 752              |
| 6,543   | 6,184    | 4,014        | 5            | 2,696            |
| 2,189   | 1,524    | 20           | 0            | 2,373            |
| 5,017   | 5,215    | 12           | 1,516        | 5,368            |
| 2,198   | 2,390    | 547          | 438          | 1,913            |
| 3,406   | 4,148    | 2,416        | 1,292        | 2,110            |

| 362,193 | 329,389  | 88,033       | 342,387      | 212,346          |
| 34,311  | 33,547   | 12,145       | 33,458       | 21,127           |
| 16,893  | 12,982   | 9,268        | 7,739        | 16,835           |
| 413,397 | 375,918  | 109,446      | 383,584      | 250,308          |
| 388,733 | 417,099  | 100,249      | 372,718      | 242,682          |

Appendix 6
# Appendix 7

(see paragraph 5.4)

## Trade Unions Maintaining Members’ Superannuation Schemes 31 March 2018

<table>
<thead>
<tr>
<th>Notes:</th>
</tr>
</thead>
<tbody>
<tr>
<td>* Denotes schemes exempt from the need for actuarial examination (see paragraph 5.5)</td>
</tr>
<tr>
<td>These three schemes are reported on within Unite the Union’s annual return each year.</td>
</tr>
</tbody>
</table>

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*
- MSF Section Craft Members (formally known as 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 2017 to 31 March 2018

Trade Union: Transfers of Engagements

<table>
<thead>
<tr>
<th>Engagements transferred from</th>
<th>To</th>
<th>Transfer registered on</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff Union West Bromwich Building Society</td>
<td>Community</td>
<td>1 February 2018</td>
</tr>
</tbody>
</table>

Trade Union: Amalgamations

<table>
<thead>
<tr>
<th>Amalgamating unions</th>
<th>Forming</th>
<th>Amalgamation registered on</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Union of Teachers</td>
<td>National Education Union</td>
<td>20 June 2017 (effective date 1 September 2017)</td>
</tr>
</tbody>
</table>

Employers’ Association: Transfers of Engagements
None

Employers’ Association: Amalgamations
None
## Appendix 9

### Political Funds of Trade Unions, 2016-2017

(see paragraph 7.17)

<table>
<thead>
<tr>
<th>Union Name</th>
<th>Number of Members contributing to the Political Fund (1)</th>
<th>Number of Members not contributing to the Political Fund (2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Associated Society of Locomotive Engineers and Firemen</td>
<td>20,899</td>
<td>775</td>
</tr>
<tr>
<td>Association of Revenue and Customs</td>
<td>1,784</td>
<td>589</td>
</tr>
<tr>
<td>Bakers Food and Allied Workers Union</td>
<td>18,059</td>
<td>995</td>
</tr>
<tr>
<td>Broadcasting Entertainment Cinematograph and Theatre Union</td>
<td>27,027</td>
<td>686</td>
</tr>
<tr>
<td>Communication Workers Union</td>
<td>160,185</td>
<td>30,443</td>
</tr>
<tr>
<td>Community</td>
<td>17,960</td>
<td>5,515</td>
</tr>
<tr>
<td>Educational Institute of Scotland</td>
<td>42,152</td>
<td>13,727</td>
</tr>
<tr>
<td>Fire Brigades Union</td>
<td>27,957</td>
<td>5,885</td>
</tr>
<tr>
<td>GMB</td>
<td>592,810</td>
<td>24,403</td>
</tr>
<tr>
<td>Musicians Union</td>
<td>23,679</td>
<td>6,927</td>
</tr>
<tr>
<td>National Association of Schoolmasters Union of Woman Teachers</td>
<td>232,307</td>
<td>86,393</td>
</tr>
<tr>
<td>National Union of Mineworkers</td>
<td>187</td>
<td>624</td>
</tr>
<tr>
<td>National Union of Rail Maritime and Transport</td>
<td>78,758</td>
<td>355</td>
</tr>
<tr>
<td>National Union of Teachers</td>
<td>263,690</td>
<td>109,247</td>
</tr>
<tr>
<td>POA</td>
<td>24,125</td>
<td>5,896</td>
</tr>
<tr>
<td>Prospect</td>
<td>100,755</td>
<td>11,821</td>
</tr>
<tr>
<td>Public and Commercial Services Union</td>
<td>184,262</td>
<td>1,523</td>
</tr>
<tr>
<td>Society of Radiographers</td>
<td>22,840</td>
<td>4,114</td>
</tr>
<tr>
<td>Transport Salaried Staffs Association*</td>
<td>17,535</td>
<td>959</td>
</tr>
<tr>
<td>Union of Construction, Allied Trades and Technicians**</td>
<td>41,226</td>
<td>9,447</td>
</tr>
<tr>
<td>Union of Shop Distributive and Allied Workers</td>
<td>413,737</td>
<td>21,053</td>
</tr>
<tr>
<td>UNISON: The Public Service Union</td>
<td>1,181,345</td>
<td>216,458</td>
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<tr>
<td>Unite the Union</td>
<td>1,065,279</td>
<td>217,392</td>
</tr>
<tr>
<td>University and College Union</td>
<td>93,526</td>
<td>10,459</td>
</tr>
<tr>
<td><strong>Total for the 24 unions with political funds which reported in this period</strong></td>
<td><strong>4,652,084</strong></td>
<td><strong>785,686</strong></td>
</tr>
</tbody>
</table>

Notes:
The information in the table is derived from annual returns received during 2017-2018, most of which relate to the year ending December 2016.

* Enquiries regarding the deficit in the fund at the end of the year were made and steps are in place to bring the account back into credit.

** Union merged with Unite the Union who have absorbed the deficit into their Political Fund.
<table>
<thead>
<tr>
<th>Number of Members contributing to the Political Fund</th>
<th>POLITICAL FUND (a)</th>
<th>Number of Members exempt from contributing to the Political Fund</th>
<th>Income £</th>
<th>Expenditure £</th>
<th>Fund at Beginning of Year £</th>
<th>Fund at End of Year £</th>
</tr>
</thead>
<tbody>
<tr>
<td>(3)</td>
<td>(4)</td>
<td>(5)</td>
<td>(6)</td>
<td>(7)</td>
<td></td>
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<tr>
<td>775</td>
<td>209,260</td>
<td>200,839</td>
<td>5,400</td>
<td>13,821</td>
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<td>5,388</td>
<td>0</td>
<td>128,463</td>
<td>133,851</td>
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<td>79,525</td>
<td>78,649</td>
<td>6,660</td>
<td>7,536</td>
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<tr>
<td>191</td>
<td>42,779</td>
<td>27,599</td>
<td>37,611</td>
<td>52,791</td>
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<tr>
<td>20,782</td>
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<td>1,573,626</td>
<td>1,184,895</td>
<td>1,266,304</td>
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<tr>
<td>5,203</td>
<td>198,000</td>
<td>85,000</td>
<td>52,000</td>
<td>165,000</td>
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<td>369,028</td>
<td>34,090</td>
<td>2,289,721</td>
<td>2,624,659</td>
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<tr>
<td>4,995</td>
<td>237,527</td>
<td>278,350</td>
<td>680,791</td>
<td>639,968</td>
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<tr>
<td>24,403</td>
<td>3,227,000</td>
<td>3,496,000</td>
<td>848,000</td>
<td>579,000</td>
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<td>24,384</td>
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<tr>
<td>16</td>
<td>191,797</td>
<td>163,090</td>
<td>118,552</td>
<td>147,259</td>
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<td>23</td>
<td>3,352</td>
<td>9,434</td>
<td>88,854</td>
<td>82,772</td>
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<td>276,000</td>
<td>270,000</td>
<td>23,000</td>
<td>29,000</td>
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<tr>
<td>1,798</td>
<td>457,452</td>
<td>234,695</td>
<td>667,684</td>
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<td>5,896</td>
<td>39,285</td>
<td>44,046</td>
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</tr>
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<td>204,000</td>
<td>-54,000</td>
<td>-36,000</td>
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</tr>
<tr>
<td>21,053</td>
<td>2,150,000</td>
<td>1,911,000</td>
<td>568,000</td>
<td>807,000</td>
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<td></td>
</tr>
<tr>
<td>6,413</td>
<td>6,574,000</td>
<td>5,452,000</td>
<td>9,964,000</td>
<td>11,086,000</td>
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<tr>
<td>40,030</td>
<td>7,796,000</td>
<td>7,426,000</td>
<td>14,132,000</td>
<td>14,502,000</td>
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<tr>
<td>7,995</td>
<td>172,338</td>
<td>170,002</td>
<td>9,538</td>
<td>11,874</td>
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</tr>
<tr>
<td>169,593</td>
<td>24,412,086</td>
<td>22,062,610</td>
<td>31,683,559</td>
<td>34,033,035</td>
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<tr>
<td>124,603</td>
<td>24,540,853</td>
<td>25,597,756</td>
<td>32,771,716</td>
<td>31,714,813</td>
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<td></td>
</tr>
</tbody>
</table>

Total for the 24 unions with political funds which reported in this period 4,652,084 785,686

Total for the 24 unions with political funds which reported in the previous period 4,777,168 622,286
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.

<table>
<thead>
<tr>
<th>Current Fee</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for entry in the list of trade unions</td>
<td>£150</td>
</tr>
<tr>
<td>Application for entry in the list of employers’ associations</td>
<td>£150</td>
</tr>
<tr>
<td>Application for entry in the list of an amalgamated organisation where each amalgamating organisation was already entered</td>
<td>£41</td>
</tr>
<tr>
<td>Provision of a certificate of independence to an amalgamated union where each amalgamating organisation already had a certificate of independence</td>
<td>£41</td>
</tr>
<tr>
<td>Application for approval of a change of name</td>
<td>£96</td>
</tr>
<tr>
<td>Application for a certificate of independence</td>
<td>£4,066</td>
</tr>
<tr>
<td>Application for formal approval of an instrument of transfer of engagements or an instrument of amalgamation</td>
<td>£1,850</td>
</tr>
<tr>
<td>Inspection of merger documents</td>
<td>£19</td>
</tr>
</tbody>
</table>
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.gov.uk/certificationofficer. Printed copies may also be obtained free of charge on application to the Certification Office.

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

Financial Irregularities in trade unions and employers’ associations: the approach of the Certification Officer in exercising his powers of investigation

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 amalgamation of employers’ associations

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

Political funds: a guide on the provisions in the Trade Union Act 2016

Political funds: a guide to review ballots

Trade Union’ Register of Members: the Certification Officer’s powers of investigation and enforcement

Certification Officer’s 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’

How to apply to be entered on the list of trade unions
Appendix 12
Certification Office Functions

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 VIIIA – 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.