

Annual
Report
of the
Certification
Officer

2012-2013



www.certoffice.org

CERTIFICATION OFFICE
FOR TRADE UNIONS AND EMPLOYERS' ASSOCIATIONS

**Annual Report
of the Certification Officer
2012-2013**


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I am required by the Trade Union and Labour Relations (Consolidation) Act 1992 to submit to you both a report on my activities as the Certification Officer during the previous reporting period. I have pleasure in submitting such a report for the period 1 April 2012 to 31 March 2013.

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

DAVID COCKBURN
The Certification Officer
10 June 2013

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Introduction

This is the thirty-seventh Annual Report to be published since the post of Certification Officer was established in 1975. It deals with my activities during the period 1 April 2012 to 31 March 2013.

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

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

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

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

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

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

under Part I, Chapter VIIA – for dealing with complaints by members that there has been a breach, or threatened breach of the rules of a trade union relating to the appointment, election or removal of an office holder; disciplinary proceedings; ballots of members other than in respect of industrial action; or relating to the constitution or proceedings of an executive committee or decision making meeting;

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

As in each Annual Report, I give details of the membership of trade unions as reported to me in the relevant period. The number of trade union members recorded in the Annual Returns received in 2012-2013 is 7,197,415. This represents a decrease of 63,795 members or 0.88% over the membership recorded in my last Annual Report. Within these figures, the number of non-contributing members as a percentage of the total members has decreased slightly from 10.6% in the previous year to 9.5%.

Continuing the trend which has now been uninterrupted since 1983, the total number of trade unions and employers associations has again decreased over the most recent reporting period. In 1983 there were 502 trade unions and 375 employers’ associations. At the end of this reporting year there were 165 trade unions and 99 employers’ associations. In this period, nine trade unions and three employers’ associations were removed from the lists and schedules (see paragraph 1.11). On the other hand four entirely new unions were added to the lists and schedules of trade unions (see paragraph 1.12).

During this reporting year I prosecuted The General Workers Union and its General Secretary for having failed to submit two Annual Returns. However, by the time of the prosecution in the Warrington Magistrates Court, the union had ceased to exist. Its General Secretary was charged with refusing or wilfully neglecting to provide annual returns for the union for 2009 and 2010. He pleaded guilty. The court imposed a fine of £75 on each charge (£150 total) as well as ordering the former General Secretary to pay £100 towards the prosecution's costs and a victim surcharge of £15.

In my last Annual Report, I commented upon the number of organisations that had shown an interest in being listed as trade unions, seemingly for the principal purpose of exercising the right to accompany workers at grievance and disciplinary hearings under section 10 of the Employment Relations Act 1999. As a listed trade union, such organisations would be able to provide ‘representatives’ to other linked organisations which could then charge their clients a fee for accompanying workers at certain internal meetings with their employers. In the current year I have refused applications to be entered on the list of trade unions that were made by the Artisans Professional and Executives (APEX), the General and Healthcare Workers Union (GAHWU) and LinkedUp – The Modern Union. In each application I found that the principal purposes of the organisations did not include the regulations of relations between workers and employers as required by section 1 of the 1992 Act. In my judgement, on the facts of each case, the principal purpose of the applicant organisations was to enable them to take advantage of the section 10 right of accompaniment for commercial purposes. I also removed the Door Supervisors Union from the list of trade unions on similar grounds, following a review of its status. My decision in the application of the General and Healthcare Workers Union has been appealed to the Employment Appeal Tribunal (EAT).

Over the past reporting year I determined 35 complaints. Of these, 30 complaints alleged that

a union had breached its own rules. The other five related to breaches of statutory obligations. A summary of these decisions can be found in Chapters 4, 8 and 9 of this report. The decisions which attracted the most attention arose out of the 2011 election for General Secretary in UCATT. In *Dooley v UCATT* (No.2), Mr Dooley successfully claimed he had been wrongfully excluded from standing as a candidate in that election. In *Dooley v UCATT* (No.3), Mr Dooley was unsuccessful in claiming that he had been wrongfully expelled from the union. His appeal against that decision to the EAT was rejected (see paragraph 9.10).

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

My website continues to be the primary source for those interested to obtain information about the work of the Certification Office. Along with every decision made by the Certification Officer since 1975 it contains all the annual returns from trade unions and employers association since 2003, guidance on various aspects of the Certification Office functions, copies of my Annual Reports back to 2001-02, a list of trade unions and employers' associations known to me. In addition, it is possible to sign up for e-mail updates of forthcoming hearings and issues relating to decisions of the Certification Officer.

This Annual Report relates to those annual returns received from trade unions in the 12 months to 31 March 2013. These mainly cover the accounting periods of unions which end between October 2011 and September 2012, as unions have five months from the end of their accounting year to submit their annual returns to me. (see paragraph 4.1).

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

Mr Gerard Walker and Ms Christine Stuart continued to hold their appointments as Assistant Certification Officer and Assistant Certification Officer for Scotland respectively. Mr Whybrew continues to be available to me as an Assistant Certification Officer to determine those complaints in which it would be appropriate that I recuse myself. This has not been necessary in the current year. On 31 March 2012 there were seven staff in post in the Certification Office. The net cost of the Office for the year ending 31 March 2012 was £574,109. This represents a decrease of £22,399, or 3.76% in the cost of the running of the office in the previous reporting year. My salary as Certification Officer at 31 March 2013 remained unchanged at £73,527 for a three-day week. This sum is pensionable at an additional cost to the public purse of £17,869. It is taxed under PAYE.

Accounts relating to the activities of the Certification Office, prepared under section 258 of the 1992 Act, are published separately by order of the House of Commons. In broad terms it is estimated that about 60% of the Office's resources were allocated to work connected with annual returns from trade unions and employers' associations, and the maintenance of the lists of trade unions and employers' associations, 31% to work relating to complaints and trade union finances and the remainder to other matters including political funds, certification of independence and mergers.

Where it is necessary to hold a hearing to determine a complaint, the Certification Officer can make payment towards the expenses incurred by the complainant and their witnesses in attending the hearing. During the period under review such payments amounted to £969.54. Assistance with legal costs is not available.

Advice and contacts for information

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

Lists of Trade Unions and Employers' Associations

Any trade union or employers' association may apply to have its name included in the public lists maintained by the Certification Officer. This chapter sets out the background to that process. It also gives the numbers on the lists at 31 March 2013 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 1.20 and 1.21). The Act does not impose any test of size or effectiveness but entry in the list is not automatic. The Certification Officer will test whether the organisation satisfies the statutory conditions. There are simplified provisions for the listing of a trade union or unincorporated employer's association formed by the amalgamation of two or more trade unions or unincorporated employers' association which were already on the list (see paragraph 1.6).
- 1.3 Any organisation aggrieved by the refusal of the Certification Officer to enter its name in the relevant list may appeal on a point of law to the Employment Appeal Tribunal (EAT).
- 1.4 For trade unions, listing is an essential preliminary to any application for a certificate of independence under section 6 of the 1992 Act. There are a number of other advantages of being listed for trade unions and unincorporated employers' associations. It is one of the requirements for obtaining tax relief in respect of expenditure on provident benefits (section 981 Corporation Tax Act 2010). There are certain procedural advantages in connection with the devolution of property following a change of trustees (section 13 of the 1992 Act). The fact of being on the relevant list is evidence (in Scotland, sufficient evidence) that the organisation is a trade union or employers' association. The name of a trade union or employers' association is protected by the provision that an organisation shall not be entered in the relevant list if its name so nearly resembles the name of an organisation already on that list as to be likely to deceive the public.

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

Unions and employers' associations formed by an amalgamation

- 1.6 Upon the amalgamation of two or more unions or unincorporated employer's 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 16 trade unions and 41 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 of which the Office is unaware. The fact that an organisation is not on the relevant list does not exempt it from its statutory responsibilities, including the requirement to make an annual return. The returns from the scheduled bodies are available for inspection in the same way as are those of listed organisations. Those trade unions and employers' associations known to the Office but which have not applied to be included in the relevant lists are set out in the schedules to Appendices 1 and 2 respectively.

Entry on the lists and schedules

- 1.8 The Certification Officer will determine if an organisation meets the definition of a trade union or employers' association and should therefore appear on the appropriate list or schedule. In this reporting year the Certification Officer exercised his powers under section 3 of the 1992 Act to refuse applications from the following three organisations which had applied to be listed as a trade union:

LinkedUp – The Modern Union – Decision CO/L/1/12-13

General And Healthcare Workers Union – Decision CO/L/2/12-13

Artisans Professionals and Executive – APEX – Decision CO/L/4/12-13

The Certification Officer found that the principal purposes of the above

organisations did not include the regulation of relations between workers and employers or employers' associations and that they therefore did not meet the statutory definition of a trade union (see introduction and paragraph 1.20). The General and Healthcare Workers Union has since appealed to the Employment Appeal Tribunal but its appeal had not been heard at the end of this reporting period.

Removal from the lists and schedules

- 1.9 If at any time it appears to the Certification Officer that an organisation whose name is entered on the relevant list is not a trade union or an employers' association its name may be removed from the list. The organisation concerned will be given an opportunity to make representations as to why its name should not be removed. There is a right of appeal to the EAT on a point of law against removal of a name from a list. The Certification Officer must also remove the name of an organisation from the list if he is satisfied that it no longer exists or if the organisation requests that he should do so. In this reporting year the Certification Officer exercised his powers under section 4 of the 1992 Act to remove the following two organisations from the list of trade unions:

UDW – Decision CO/L/3/12-13

The union was entered on the list of trade unions on 28 June 2005 as the Union of DHL Workers. It changed its name to the UDW on 22 August 2007. Following a review of its status, the Certification Officer determined that the union no longer met the statutory definition of a trade union in that it no longer had members, was no longer an organisation and its principal purposes no longer included the regulation of relations between workers and employers or employers' associations.

The Door Supervisors Union – CO/L/5/12-13

The union was entered in the list of trade unions on 20 August 2009. Following a review of its status, the Certification Officer determined that its principal purposes no longer included the regulation of relations between workers and employers or employers' associations and that it therefore no longer met the statutory definition of a trade union.

- 1.10 Copies of the decisions listed at paragraphs 1.8 and 1.9 are available on the Certification Officer's website. Copies are also available free of charge from this Office.
- 1.11 The table overleaf gives the names of the nine trade unions and three employers' associations removed from the lists and schedules during the period 1 April 2012 to 31 March 2013. An asterisk denotes those which ceased to exist as a result of mergers. The others were dissolved or deemed no longer to meet the statutory definition of a trade union or employers' association.

Trade Unions

England and Wales

Listed Door Supervisors Union
Energy and General Workers Union
Lawson Mardon Star Ltd Managerial Staff Association
Lecturers Employment Advice and Action Fellowship
National Union of Mineworkers (North Wales Area)
Prison Service Union*
UDW

Scheduled Professional Cabin Crew Council
The General Workers Union

Scotland

Listed None

Scheduled None

Employers' Associations

England and Wales

Listed British Precast Concrete Federation Ltd
British Marine Federation – East Anglia

Scheduled None

Scotland

Listed None

Scheduled Scottish Federation of Meat Traders Associations

Additions to the lists and schedules

1.12 The table below gives the names of the four trade unions added to the lists and schedules during the period 1 April 2012 to 31 March 2013.

Trade Unions

England and Wales

Listed Bus Workers Alliance
PPU

Scheduled Industrial Workers of Great Britain
Pret A Manger Staff Union

Scotland

Listed None

Scheduled None

Employers' Associations

England and Wales

Listed None

Scheduled None

Scotland

Listed None

Scheduled None

The lists and schedules at 31 March 2013

1.13 As required by sections 2 and 123 of the 1992 Act, this report includes the names of those trade unions and employers' associations on the lists as at 31 March 2013. They are reproduced as Appendices 1 and 2. The lists comprised 149 trade unions and 58 employers' associations.

Changes during the year are summarised in the table below:

	<i>On lists at 31 March 2012</i>	<i>Changes between 1 April 2012 and 31 March 2013</i>		<i>On lists at 31 March 2013</i>
		<i>Additions</i>	<i>Removals</i>	
Trade Unions	154	2	7	149
Employers' Associations	60	0	2	58

1.14 As at 31 March 2013 there were 16 trade unions on the schedule of unlisted unions and 41 employers' associations on the schedule of unlisted associations. The total number of listed and scheduled trade unions and employers' associations is, therefore, as follows:

	<i>Listed</i>	<i>Scheduled</i>	<i>Totals</i>
Trade Unions	149 (154)	16 (16)	165 (170)
Employers' Associations	58 (60)	41 (42)	99 (102)

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

Special register bodies

- 1.15 Under section 84 of the Industrial Relations Act 1971, a special register was established for the registration of organisations which were either companies or incorporated by charter or letters patent and which took part in collective bargaining on behalf of their members. These were mainly professional bodies.
- 1.16 Section 10(3) of the 1992 Act provides that trade unions cannot have corporate status. However, section 117 provides for an exception to preserve the position of those bodies which were on the special register immediately before 16 September 1974.
- 1.17 Special register bodies are also exempt from the requirement to conduct elections for the posts of president and general secretary. However, the voting members of the executive committee of special register bodies must be elected in accordance with the statutory provisions.
- 1.18 The following 13 special register bodies remain on the list of trade unions:
- Association for Clinical Biochemistry
 - British Association of Occupational Therapists Limited
 - British Dental Association
 - British Dietetic Association
 - British Medical Association
 - Chartered Society of Physiotherapy
 - Educational Institute of Scotland
 - Headmasters and Headmistresses Conference
 - Royal College of Midwives
 - Royal College of Nursing of the United Kingdom
 - Society of Authors
 - Society of Chiropractors and Podiatrists
 - Society of Radiographers

Changes of name of listed trade unions and employers' associations

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

<i>Trade Unions</i>		<i>Effective Date</i>
<i>From</i>	The Society of Authors Limited	
<i>To</i>	The Society of Authors	13 November 2012
<i>From</i>	British Orthoptic Society	
<i>To</i>	British Orthoptic Society Trade Union	16 November 2012
<i>From</i>	Irish Bank Officials' Association	
<i>To</i>	I BOA The Finance Union	8 February 2013

Employers' Associations

From British Jewellery, Giftware & Finishing Federation
To British Allied Trade Federation 12 June 2012

From Builders Merchants Federation
To Builders Merchants Federation Ltd 1 August 2012

Definition of a trade union

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

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

(a) which consists wholly or mainly of workers of one or more descriptions and whose principal purposes include the regulation of relations between workers of that description or those descriptions and employers or employers' associations; or

(b) which consists wholly or mainly of –

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

(ii) representatives of such constituent or affiliated organisations,

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

Definition of an employers' association

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

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

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

(b) which consists wholly or mainly of –

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

(ii) *representatives of such constituent or affiliated organisations,*

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

(2) References in this Act to employers' associations include combinations of employers and employers' associations."

Trade Union Independence

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

The statutory provisions

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

“... a trade union which –

- (a) is not under the domination or control of an employer or group of employers or of one or more employers' associations; and*
- (b) is not liable to interference by an employer or any such group or association (arising out of the provision of financial or material support or by any other means whatsoever) tending towards such control”.*¹

2.2 The procedure for determining the independence of trade unions is provided for in section 6 of the 1992 Act. A union must be listed (see Chapter 1) before it can apply for a certificate of independence. A fee is payable on application (see Appendix 10). The Certification Officer keeps a public record of all applications for such certificates and their outcome. He may not take a decision on an application until at least one month after it has been entered in the record. A notice that an application has been received is placed on the ‘News’ page of the Certification Officer’s website, www.certoffice.org 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

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”.

Certification Officer within six weeks of the date the amalgamation takes effect or such longer period as the Certification Officer may specify. The information to be sent to the Certification Officer is a copy of the rules of the new union, a list of its officers and the address of its head or main office, together with the prescribed fee (see Appendix 10).

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

Criteria

- 2.7 The principal criteria which have been used by the Certification Officer in determining whether or not an applicant union satisfies the statutory definition are explained in the Office's booklet *Guidance for trade unions wishing to apply for a certificate of independence*. These appear under the headings: history, membership base, organisation and structure, finance, employer-provided facilities and negotiating record. 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 No certificates of independence were issued during the period.
- 2.9 No formal reviews of existing certificates of independence were undertaken during the period.
- 2.10 Two certificates of independence were cancelled because the unions concerned ceased to exist. These were:
- Lawson Mardon Star Ltd Managerial Staff Association
Prison Service Union

The Prison Service Union ceased to exist as the result of a merger. It transferred its engagements to Community on 26 March 2013.

- 2.11 On 31 March 2013 there were 105 unions which held certificates of independence.
- 2.12 Two applications for certificates of independence were received during this reporting period which remained under consideration at the year end. These are from the Boots Pharmacists Association (BPA) and the Workers of England Union. In the latter case, the application followed a complaint to an employment tribunal that could only be made by a member of a union which holds a Certificate of Independence. When the issue went on appeal, the EAT stayed the proceedings pending an application by the union for a Certificate of Independence and the Certification Officer's decision on that application. (see paragraph 2.6).

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 Act such an organisation (unless it has been in existence for less than 12 months) is also required to submit an annual return to the Certification Officer in the form prescribed. The return is to include revenue and other accounts and a balance sheet, which must give a true and fair view of the matters to which they relate. The return must also give details of the salary and other benefits paid to each member of the executive, the president and the general secretary (see paragraphs 4.14 and 4.15). Any changes in the organisation's officers or in the address of its head office must be shown on the return and it must be accompanied by a copy of the rules in force at the end of the period covered by the return. All funds maintained by the trade union or employers' association must normally be included in the return made to the Certification Officer.
- 3.3 Organisations which consist wholly or mainly of constituent or affiliated organisations or representatives of such organisations, are referred to within the Act as "federated" trade unions or employers' associations and are described fully within sections 118 and 135 of the Act. Those federated bodies which are composed of representatives of trade unions or employers' associations are exempt from certain provisions of the Act, including the duty to supply a copy of their rules, to keep accounting records and to submit annual returns. The same does not apply to those federated bodies which are composed of constituent or affiliated organisations.

- 3.4 It is not the responsibility of the Certification Officer to determine whether an organisation is financially viable but to ensure that accounts in the prescribed form covering all funds administered by the organisation are available for public inspection.
- 3.5 The Act requires trade unions and employers' associations to submit before 1 June each year a return of their financial affairs covering the year ending the preceding 31 December. However, the Certification Officer may direct that the return is to relate to a different annual period. This is usually done if the normal timetable would cause serious inconvenience to the organisation concerned.
- 3.6 The annual return must include a copy of the auditor's report on the accounts. Under section 34 of the 1992 Act, a person is qualified to act as auditor of a trade union or employers' association's accounts if he or she is eligible for appointment as a company auditor under part 42 of the Companies Act 2006 ("a Companies Act auditor"). Section 37 of the 1992 Act sets out the rights of auditors including access to information and the entitlement to attend and speak at general meetings of the organisation.
- 3.7 A trade union (other than a special register body as described in Chapter 1 of this Report at paragraphs 1.15 to 1.18) or an employers' association may have its accounts audited by someone who is not a Companies Act auditor if its receipts and payments do not in aggregate exceed £5,000, the value of its assets is less than £5,000 and it has less than 500 members. If any one of these conditions is not satisfied, it must use a Companies Act auditor.
- 3.8 The auditor must state whether, in his or her opinion, the accounts give a true and fair view of the matters to which they relate. The auditor has a duty to carry out such investigations as will enable an opinion to be formed on whether proper accounting records have been kept, whether a satisfactory system of control has been maintained and whether the accounts are in agreement with the accounting records. If in the opinion of the auditor the statutory requirements have not been satisfied or the union or employers' association has failed to supply all the necessary information and explanations the auditor must say so in the report by way of qualification.
- 3.9 Two returns received by the Certification Officer during this reporting period contained an audit report in which the auditors gave a qualified opinion as to whether the return gave a true and fair view. Both related to the unions' failure to keep proper accounting records for the period concerned. The Certification Officer made enquiries of the two trade unions in order to get explanations and assurance that action will be taken to ensure such qualifications are not necessary in the future. Satisfactory explanations were received and the Certification Officer has been informed of the measures each union is taking to avoid future audit qualifications.
- 3.10 To avoid the duplication of broadly similar financial statements, the Certification Officer allows a special register body (see Chapter 1 of this Report at paragraphs

1.15 to 1.18) or an employers' association incorporated under the Companies Acts, to submit with its return, in lieu of the completion of certain pages in the return form, a copy of its accounts prepared under the Companies Acts provided the period covered is the same and there is no significant diminution in the degree of disclosure. In such circumstances, however, and notwithstanding anything in the Companies Acts, an auditor's report for the purposes of the 1992 Act is still required.

- 3.11 With the exceptions already noted, the duties imposed by sections 28, 32 and 131 of the 1992 Act apply to all trade unions and employers' associations, whether or not listed under sections 2 or 123. Refusal or willful neglect to perform any of them is an offence for which the organisation concerned may be prosecuted and fined. The Certification Officer is responsible for enforcing these provisions, but does not generally undertake prosecutions for offences such as theft or fraud which would normally be dealt with by other prosecuting authorities. However, the Certification Officer is able to appoint inspectors to investigate allegations of financial irregularities in the affairs of a trade union or employers' association. (See paragraph 3.18 below).

Late submission of returns

- 3.12 The 1992 Act requires an organisation to submit an annual return to the Certification Officer before 1st June in the calendar year following the year to which the annual return relates. For most organisations (72%), their financial year coincides with the calendar year and ends on 31 December, but others differ. By 31 March 2013, 99.6% of all due returns had been received including the returns of all trade unions. The annual returns of 6% of organisations were submitted more than three months after their due date.
- 3.13 The Certification Officer continues to seek full compliance with the statutory requirements and will take steps to improve the performance of those organisations which consistently submit late annual returns.

Prosecution

- 3.14 During this reporting period the Certification Officer prosecuted The General Workers Union and its General Secretary for having refused or having wilfully neglected to submit an annual return of its financial affairs for the years ending ending 31 December 2009 and 31 December 2010. The prosecution was heard at the Magistrates Court in Warrington. The General Secretary pleaded guilty to the two charges. He was fined £75 on each charge (£150 total) as well as being ordered to pay £100 towards the prosecution's costs and a victim surcharge of £15. The prosecution of the union was discontinued as the union had been dissolved at the time of the hearing.

Statement to members

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

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

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

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

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

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

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

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

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

- 3.18 The 1992 Act allows the Certification Officer to investigate the financial affairs of almost all trade unions and employers' associations (exceptions being in respect of federated employers' associations and trade unions made up wholly or mainly of representatives of constituent affiliated organisations and in respect of organisations that have been in existence for less than twelve months). Under the Act, the Certification Officer may, if he thinks there is good reason to do so, give a direction to the organisation concerned to produce relevant documents and explanations of them. In addition, the Certification Officer may appoint inspector(s) to investigate the organisation's financial affairs and to report on them. The Certification Officer may only appoint inspector(s) if one or more of the following circumstances are suggested: *that the financial affairs of the trade union or employers' association have been or are being conducted fraudulently or unlawfully; that those managing those affairs have been guilty of fraud, misfeasance or other misconduct in connection with that management; that the organisation concerned has failed to comply with a duty under the Act relating to its financial affairs; or that a rule of the organisation relating to its financial affairs has not been complied with.* A member may complain to the Certification Officer that there are circumstances suggesting any of the foregoing. The Certification Officer must then consider whether it is appropriate to exercise any of the powers conferred on him by the 1992 Act in that respect.
- 3.19 Information suggesting circumstances where one or more of the situations described in paragraph 3.18 above have occurred may come to the Certification Officer's attention from a variety of sources including, for example, from members who query information supplied by the union in its statement to members. In addition, the Certification Officer's staff monitor references in the media for situations which suggest that such circumstances may exist in the financial affairs of a trade union or employers' association.
- 3.20 Not all the information received by the Office is of sufficient merit to warrant any approach to the body concerned. Where an approach is warranted, the matter is frequently resolved either through correspondence between the Office and the parties concerned or by means of informal meetings with the body or the individual or a combination of these methods.
- 3.21 During the reporting period concerns were raised about the conduct of financial affairs in five unions: GMB, National Union of Journalists (NUJ), National Union of Mineworkers (NUM), Union of Democratic Mineworkers (UDM) and UNISON. These were taken up with the unions concerned and enquiries made. At the end of the period enquiries into three of the unions were concluded without finding it necessary to exercise the Certification Officer's statutory powers. The Certification Officer is still in contact with the NUJ and NUM about the concerns which have been raised by members of those unions.
- 3.22 Where the Certification Officer concludes his enquiries regarding a possible financial irregularity which has been raised by a union member and decides not to

appoint an inspector, he must notify that member of his decision and, if he thinks fit, will also give his reasons. Of the above three cases where no inspector was appointed, two were initiated by the Certification Officer following media reports and one arose from members' concerns.

- 3.23 During this reporting period the Certification Officer did not find it was necessary to use his powers under section 37A of the 1992 Act to require documents to be produced by any trade union.

Public inspection of annual returns

- 3.24 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.

- 3.25 The annual returns of trade unions and employers' associations submitted in this reporting period are available on the Certification Officer's website.

Access to accounting records

- 3.26 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.

- 3.27 On application to him, the Certification Officer is required to make such enquiries as he thinks fit and give the claimant and the trade union an opportunity to be heard. On receipt of an application the Certification Officer will, so far as reasonably practicable, determine it within six months of it being made.

- 3.28 If the Certification Officer decides that the complaint is well-founded he is required to make such orders as he considers appropriate for ensuring that the claimant:-

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

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

Applications and complaints received 1 April 2012 to 31 March 2013

3.30 In the period 1 April 2012 to 31 March 2013 the Certification Officer received three complaints relating to access to accounting records. Two were against the Union of Construction Allied Trades & Technicians (UCATT), and one against the National Union of Teachers (NUT). One of the cases against UCATT was determined during this reporting period (*Dooley v UCATT (No 4) (D/26-27/12-13)*). The Certification Officer upheld Mr Dooley’s complaint that the union had not made its accounting records available to him within 28 days of his request being made but dismissed his second complaint relating to the union’s proposed charges for inspection under section 30(6) of the 1992 Act. The Certification Officer found that section 30(6) was not engaged on the facts of this case but that, in any event, he did not have jurisdiction to determine any issue arising in relation to a union’s proposed charges under section 30(6). At the end of the period, the Certification Officer was continuing to make enquiries of the claimants and unions concerned in the other two cases.

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

Financial and Membership Information and Membership Register

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

Annual Returns received in 2012-2013

- 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 2012 and 31 March 2013. 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 2011 and September 2012. However, the majority (72%) of returns are for unions or employers' associations with accounting periods ending 31 December 2011.
- 4.2 A total of 266 trade unions and employers' associations submitted returns for this period. These were made up as follows:
- | | |
|-----|-----------------------------------|
| 153 | Listed trade unions |
| 13 | Scheduled trade unions |
| 62 | Listed employers' associations |
| 38 | Scheduled employers' associations |

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

The number of unions and employers' associations which submit annual returns in any given reporting year is seldom the same as the number of unions and associations on the list 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.

Trade unions: numbers and membership

- 4.3 Appendix 4 contains a summary of the statistics concerning the membership and finances of trade unions recorded in annual returns received during 2012-2013. Details are shown for the 13 trade unions with more than 100,000 members.

4.4 The statistics in Appendix 4 are based on returns from 166 listed and scheduled unions: six less than reported for listed and scheduled unions in the Annual Report for 2011-2012.

4.5 The trade unions from which returns were received, recorded a total membership of 7,197,415. The major unions, each with a membership of over 100,000, accounted for 6,073,296 members or 84.4 % of the total. Returns received in the period show the distribution of trade union membership by size is as follows:

Trade unions: distribution by size

<i>Number of Members</i>	<i>Number of Unions</i>	<i>Membership</i>	<i>Number of Unions</i>		<i>Membership of all Unions</i>	
			<i>Per cent</i>	<i>Cumulative Per cent</i>	<i>Per cent</i>	<i>Cumulative Per cent</i>
Under 100	28	986	17.0	17.0	0.0	0.0
100-499	33	8,924	19.9	36.9	0.1	0.1
500-999	13	9,856	7.8	44.7	0.1	0.2
1,000-2,499	21	33,384	12.7	57.4	0.5	0.7
2,500-4,999	18	62,344	10.8	68.2	0.9	1.6
5,000-9,999	11	82,334	6.6	74.8	1.1	2.7
10,000-14,999	2	24,255	1.2	76.0	0.3	3.0
15,000-24,999	12	248,769	7.2	83.2	3.5	6.5
25,000-49,999	11	385,826	6.6	89.8	5.4	11.9
50,000-99,999	4	267,441	2.4	92.2	3.7	15.6
100,000-249,999	5	799,489	3.0	95.2	11.1	26.7
250,000 and over	8	5,273,807	4.8	100.0	73.3	100.0
Total	166	7,197,415	100	100	100	100

4.6 The recorded trade union membership of 7,197,415, in 2012-13, compares to 7,261,210 reported in the previous period. This indicates a decrease of 63,795 members or 0.88%. The total recorded membership of around 7.2 million compares with a peak of 13.2 million in 1979, a fall of about 45%.

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

Trade Union: Changes in Membership

	<i>Total Membership (000's)</i>		
	<i>2011-2012</i>	<i>2010-2011</i>	<i>% changes</i>
<i>Increases</i>			
National Association of Schoolmasters Union of Women Teachers	338,688	326,810	+3.6%
Union of Shop Distributive and Allied Workers	412,441	398,859	+3.4%
National Union of Teachers	386,668	375,042	+3.1%
<i>Decreases</i>			
Public and Commercial Service Union	280,547	292,091	-4.0%
UNISON: The Public Service Union	1,317,500	1,374,500	-4.2%
Union of Construction, Allied Trades and Technicians	83,760	110,559	-24.2%

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 90.5% of the total number of members. This compares with a figure of 89.4% in the preceding year.

Membership register

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

4.10 During the period 1 April 2012 to 31 March 2013 the Certification Officer received no complaints concerning the maintenance of the register of members' names and addresses.

Finance

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

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

- 4.12 From the returns received during this reporting period, the figures show that the gross income of trade unions was £1,145.77 million, a decrease of 4.9% on that recorded by unions the previous year. Income from members increased by 1.3% to £873.11 million. Income from investment rose by 41.5% and income from other sources fell by 26.5%.
- 4.13 Gross expenditure by unions during this reporting period increased by 15.4% to £1,213.36 million, while at the end of the reporting period total funds (net assets) amounted to £905.95 million, a decrease of 7.0% over the previous period.

Salaries and benefits

- 4.14 Trade unions are required to include in their annual returns to the Certification Officer information about the salaries and benefits paid to certain of their national officers and executive members from the organisation's funds. For the purpose of the annual return, benefits are defined as being a) those designated as a taxable benefit by Her Majesty's Revenue and Customs; b) pension/superannuation arrangements; and c) redundancy and other termination payments. The Certification Officer requires that all benefits paid from the funds of the union are reported, whether such funds are maintained at national or other level. Information from trade union annual returns received in the reporting period showed that 13% of unions paid a salary to their general secretary of over £100,000; 23% paid between £60,001 and £100,000; 16% paid between £30,001 and £60,000; and 12% paid up to £30,000; while the general secretaries of the remaining 36% did not receive a salary. Seven unions (4%), although paying no salary to their general secretary, did provide an honorarium or other benefits.
- 4.15 Appendix 5 gives information on the salary and benefit payments in respect of each union which makes a payment to its general secretary. There is no requirement to provide such information in relation to other employees, even if they are paid more than the general secretary. Employer's pension contributions make up a significant proportion of the benefits paid. Employer's national insurance contributions are excluded from the table at Appendix 5.

Employers' associations

- 4.16 A summary of statistics concerning the membership and finances of employers' associations based on returns received within the reporting period is given in Appendix 6. Details are given for each of the 21 associations (including scheduled associations) with total income of more than £2,500,000.
- 4.17 The statistics in Appendix 6 are based on returns from 100 employers' associations received in this reporting year compared with returns from 102 received in the reporting year for 2011-2012.

- 4.18 From the returns received in this period, the figures show the gross income of employers' associations was £475.95 million compared with £516.79 million recorded for the previous year, a decrease of 7.9%. Income from members rose by £908,000 to £205.12 million, an increase of 0.4%. Income from investments rose from £10.99 million to £12.05 million, an increase of 9.6%. Other income decreased from £301.60 million to £258.79 million a decrease of 14.2%. During the same period, expenditure rose from £499.86 million to £501.39 million, an increase of 0.3%.
- 4.19 The figures given in Appendix 6 include both general funds and, where applicable, funds maintained for specific purposes. At the end of the reporting period the net assets of employers' associations amounted to £286.40 million, a decrease of £28.88 million (9.2%) over the figure reported for the previous period.
- 4.20 Employers' associations are not required by the 1992 Act to provide the Certification Officer with details of officers' salaries and benefits.

Superannuation Schemes

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

The statutory provisions

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

²In practice the requirements affect trade unions only. The Office is not aware of any schemes maintained by employers' associations.

Schemes maintained

- 5.4 At the end of the reporting period there were eight members' superannuation schemes known to the Certification Officer. These are 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.
- 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 2012-2013

- 5.6 One actuarial report was due to be submitted to the Certification Officer in this reporting period: Unite the Union's 'AEEU Section Superannuation Scheme'. That report was received on 27 December 2012 and covered the period up to 31 December 2011. Two reports that had been overdue from the previous year were also received. These were the GMB's 'BMS Section Members' Superannuation Fund' and the RMT 'Orphans' Fund'. The reports were both received in May 2012. There are no outstanding reports and none due in the following reporting period.

Mergers

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

The statutory provisions

- 6.1 The Trade Union and Labour Relations (Consolidation) Act 1992 (“the 1992 Act”) and the Trade Unions and Employers’ Associations (Amalgamations, etc.) Regulations 1975, as amended, lay down procedures governing two types of merger between trade unions and between unincorporated employers’ associations. These are transfers of engagements and amalgamations. The procedures apply to listed and scheduled organisations. Their main purposes are to facilitate the processes of transfer and amalgamation and, at the same time, to safeguard the rights of members affected by the terms of a merger by ensuring that they are fully informed about the proposal and have the opportunity to vote on it.
- 6.2 Under a transfer of engagements the transferring organisation loses its legal identity whilst the organisation to which it transfers continues in being with its legal identity unchanged. An amalgamation produces a new organisation replacing each of the amalgamating bodies, which cease to exist.
- 6.3 Organisations proposing to enter into a transfer of engagements or an amalgamation must prepare an instrument setting out the proposed terms of the merger and an explanatory notice to members. They must submit these documents to the Certification Officer. The documents must be approved before a ballot of members can be held (see Appendix 10 for the statutory fee).
- 6.4 In respect of trade union merger ballots, the ballots must be fully postal and subject to independent scrutiny. The inclusion in the notice to members of any statement making a recommendation or expressing an opinion about a proposed transfer or amalgamation is prohibited. Further, the voting paper sent to a member may not be accompanied by any material other than the notice to members, an addressed, pre-paid envelope and a document giving instructions for the return of the ballot paper. Other requirements relate to the storage, distribution and counting of votes by independent persons; the availability of a union’s membership register and the circumstances of its inspection by an independent scrutineer. For mergers involving employers’ associations, the provisions are different. Details can be found in the relevant guidance booklet on the Certification Officer’s website, www.certoffice.org 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 is in favour of the transfer of engagements or the amalgamation an application to register the instrument may be made to the Certification Officer. Such an application must be preceded by a copy of the scrutineer's report being sent to every member of the union or the members being notified of its contents by other means. If the union takes the second of the above two options, members must also be told that they will, on request, be provided with a copy of the scrutineer's report – either free or subject to a reasonable specified charge. The Certification Officer has power to direct an organisation to publicise its application to register a merger.
- 6.6 In the case of both a transfer and an amalgamation, an interval of six weeks must elapse between the application for registration and registration itself. Before the expiry of the six-week period, any member of the transferring organisation or of any amalgamating organisation may complain to the Certification Officer on the grounds that one or more of the statutory conditions governing the ballot arrangements has not been observed. The Certification Officer shall determine any such complaint and the parties have a right to an oral hearing. If the Certification Officer upholds the complaint, he shall make a declaration and may make an order specifying the steps which must be taken before he will register the instrument. There is a right of appeal against the Certification Officer's decision to the Employment Appeal Tribunal on a point of law. If no such complaint is received from a member, the Certification Officer will register the instrument of transfer after the end of the six week period if he is satisfied that the rules of the transferee organisation (including any amendments to the rules made to give effect to the provisions of the instrument) are in no way inconsistent with the terms of the instrument. The merger takes effect either on the date the instrument of transfer is registered or a later date if specified in the instrument.
- 6.7 Formal documents kept by the Certification Officer relating to mergers under the 1992 Act are available for public inspection (see Appendix 10 for statutory fee).

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

Mergers during the period 1 April 2012 to 31 March 2013

- 6.10 During this reporting period, there was one transfer of engagement involving a trade union. The Prison Service Union, which had 5,193 members, transferred its engagements to Community. The effective date of the transfer was 26 March 2013 (see Appendix 8).
- 6.11 In this reporting period there were no amalgamations of trade unions or employers associations.
- 6.12 The Certification Officer received no complaints relating to the above transfer of engagements.

Political Funds

The Trade Union and Labour Relations (Consolidation) Act 1992 (“the 1992 Act”) enables trade unions and unincorporated employers’ associations to establish separate funds in furtherance of political objectives as part of their aims. Under the terms of the Act a resolution to adopt the political objects must be passed by a ballot of the members. The Certification Officer is the statutory authority for approving the establishment and continuance of such funds. This chapter explains the statutory provisions and reports developments in the period 1 April 2012 to 31 March 2013.

The statutory provisions

General

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

Exemption from contributing

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

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

Complaints

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

7.5 A member can complain to the Certification Officer if a political fund ballot has been held, or is proposed to be held, in a way that does not comply with the rules for holding the ballot. Any complaint must be made within the period of one year beginning with the date on which the result of the ballot is announced by the union.

7.6 A trade union member who claims that his or her trade union has spent money on political objects without a political fund resolution being in force or without approved political fund rules may apply to the Certification Officer for a declaration that it has done so. If the Certification Officer makes a declaration he may also make such an order for remedying the breach as he thinks just under the circumstances. Appeals against decisions of the Certification Officer may be made to the Employment Appeal Tribunal on a point of law.

Review ballots

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

Guidance on procedures

7.8 On request, the Certification Office gives advice on the procedures for establishing political funds and for holding review ballots. Guidance booklets which include model rules are on the Certification Officer's website, www.certoffice.org or on request from the 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.

Organisations with new political fund rules approved for the first time in 2012-2013

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

Amalgamations of unions already holding a political fund

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

Political fund resolutions in force

7.11 As at 31 March 2013, there were 25 unions which had political fund resolutions in force: one less than that reported last year. The Energy and General Workers Union had a political fund but it ceased to exist during this reporting period. The listed and scheduled trade unions in Appendix 1 which have a political fund are identified by the symbol (P).

Political fund review ballots

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

Political fund resolutions lapsed

- 7.13 During the period one political fund resolution lapsed. This was of the Energy and General Workers Union which ceased to exist as a trade union.

Political funds of trade unions at 31 March 2013

- 7.14 Detailed statistical information about the political funds of trade unions is set out in Appendix 9. The statistics are derived from the 28 annual returns which were received during the reporting period from unions with political funds. In all cases, the accounting periods of the returns ended between October 2011 and September 2012 (see paragraph 4.1).
- 7.15 The number of returns received within a reporting period is not always the same as the number of political fund resolutions in force at the end of the reporting period (see paragraph 7.11). This is because there are those unions which submitted a final return within the reporting period but which, by the end of the period, had either dissolved their political fund or ceased to exist.
- 7.16 Annual returns received during the period 1 April 2012 to 31 March 2013, show the total income of political funds as £21.91 million compared with £22.78 million reported in the 2011-2012 report, a decrease of 3.8%. The total expenditure from political funds was £17.79 million as compared with £26.47 million in the preceding year, a decrease of 32.8%. The returns received within the period also show that the total value of political funds during the reporting period was £18.73 million: up £4.13 million (28.2%) on the £14.61 million contained in the 2011-2012 Report.

Political fund membership

- 7.17 Appendix 9 also gives membership information provided by those unions which maintained political funds as indicated from the latest annual returns. These returns show that the number of union members contributing to a political fund was 4,414,929 compared with 4,403,244 in the 2011-2012 report, an increase of 11,685 members or 0.3%.

Exemption notices

- 7.18 Exemption notices (see paragraph 7.3) are obtainable from the organisation concerned or from this Office. The Office supplied one such notice during the period 1 April 2012 to 31 March 2013. The annual returns recorded 1,331,224 members belonging to unions with a political fund who do not make a political fund contribution, either because they have claimed exemption or they belong to a category of membership which, under the rules of the union, does not contribute to the political fund.

Amendments to rules

7.19 Amendments to political fund rules require the Certification Officer's approval. Such approval is given provided that the amendments have been adopted in accordance with, and satisfy the requirements of, the 1992 Act. Two trade unions had amendments approved in this way during the period 1 April 2012 to 31 March 2013.

Political fund complaints

7.20 During the period 1 April 2012 to 31 March 2013, the Certification Officer received no complaints relating to political funds of trade unions.

Elections for Certain Positions

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

The statutory provisions

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

- 8.5 Section 256(2) of the 1992 Act requires the Certification Officer to make provision about the disclosure or otherwise of the identity of an individual who has made, or is proposing to make, any application or complaint. The 1992 Act requires that if the application or complaint relates to a trade union, the individual's identity is to be disclosed to the union unless the Certification Officer thinks the circumstances are such that it should not be disclosed.
- 8.6 The Certification Officer has made provision under section 256 of the 1992 Act to the effect that the identity of an individual who proposes to make an application or complaint will not generally be disclosed to the union, unless or until the application or complaint is accepted. When an application or complaint is accepted, the Certification Officer will generally disclose the individual's identity to the union (and others as the Certification Officer thinks fit) unless it is decided that the circumstances are such that it should not be disclosed. The Certification Officer makes that decision on a case by case basis. Fear of denigration will not of itself normally justify non-disclosure. The provision made by the Certification Officer under section 256 of the 1992 Act is in the Guidance and Forms section of the Certification Officer's website, www.certoffice.org.
- 8.7 When a hearing is held, certain expenses incurred by claimants and their necessary witnesses attending the hearings may be reimbursed by the Office at the discretion of the Certification Officer. During the reporting period such payments amounted to £969.54.
- 8.8 Appeals on any question of law arising in proceedings before or arising from a determination by the Certification Officer may be made to the Employment Appeal Tribunal (EAT).
- 8.9 If it is decided that there has been a breach of the statutory provisions, the declaration made by the Certification Officer must state any steps which the union has taken or has agreed to take to remedy the breach or prevent such a breach from occurring in the future.
- 8.10 A person cannot complain to the Certification Officer if he or she has applied to the court in respect of the same matter even if the person subsequently withdraws his or her application to the court. Similarly, once an application has been made to the Certification Officer the claimant may not then apply to the court. Where an application to the Certification Officer is made by a different person alleging the same failures which had been considered and determined by the court, the Certification Officer is required to have due regard to any declaration, order, observations or reasons made or given by the court which are brought to the notice of the Certification Officer.

Applications and decisions

- 8.11 In the period 1 April 2012 to 31 March 2013 the Certification Officer received four applications relating to trade union elections and there was one application outstanding from the previous period. The Certification Officer determined two of

these complaints and remained in correspondence with the other three claimants at the end of the reporting period.

8.12 Of the two cases determined by the Certification Officer, one was dismissed and one was upheld. The cases were:-

- **Mr N Kelly v UCATT (No 2) D/22/12-13**

The claimant alleged that the union had breached section 50(1) of the 1992 Act by not according equally to all members of the union the right to vote in the 2011 election for General Secretary. The Certification Officer dismissed the complaint.

- **Mr M Dooley v UCATT (No 2) D/7-8/12-13**

The claimant made two complaints alleging that the union had breached its rules and had breached section 47(1) of the 1992 Act by wrongly excluding himself and another individual from standing as candidates in the 2011 election for General Secretary. The complaints were upheld but the Certification Officer did not consider it appropriate to issue an enforcement order.

8.13 Copies of all decisions are available on the Certification Officer's website or available free of charge from the Certification Office.

Breach of Trade Union Rule Applications

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

The statutory provisions

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

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

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

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

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

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

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

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

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

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

Applications and decisions

- 9.8 In the period 1 April 2012 to 31 March 2013, the Certification Officer determined all six of the applications (against four unions) that were outstanding at the end of the previous reporting period.
- 9.9 In the present reporting period, the Certification Officer received 19 new applications (against 11 unions) relating to alleged breaches of union rule. Eight of these applications were determined in this reporting period and 11 (against seven unions) remained outstanding at the end of the period.
- 9.10 The 14 applications alleging a breach of rule that were determined by the Certification Officer in this reporting period involved 30 separate alleged breaches or complaints. Following correspondence with the parties, the Certification Officer struck out four of these applications using his powers under section 256ZA of the 1992 Act. Of the applications determined the following are noteworthy.

- **Mr I Street & Mrs F Street v UNISON: The Public Service Union D/28-29/12-13**
The claimants made two complaints which alleged (a) that the union had breached its rules by not holding an annual general meeting of its Derbyshire County branch and (b) had breached its rules by denying the retired members of that branch the opportunity to stand as, and/or vote for, delegates to the National UNISON retired members conference held in October 2011. In upholding the first complaint, the Certification Officer did not accept that the union could suspend the normal operations of the

rules in its Derbyshire County branch by placing it in 'regional administration'. The Certification Officer dismissed the second complaint. The union is appealing this decision to the Employment Appeal Tribunal.

- **Mr S Trumm v National Union of Rail Maritime and Transport Workers D/24/12-13**
The claimant alleged that the union had breached its rules by allegedly expelling him without following the process as set out in its rules. The Certification Officer dismissed the complaint.
- **Captain T Loraine v Independent Pilots Association D/23/12-13**
The claimant alleged that the union had breached its rules by creating a new position of Chief Operating Officer without altering its rules to do so. The Certification Officer dismissed the complaint.
- **Mr R Bentham v UCATT D/20-21/12-13**
The Certification Officer upheld a complaint that the union had breached its rules by not accepting the claimant's disciplinary charge against another member and made an enforcement order that the charge be initiated by the union by no later than a specific date.
- **Mr M Dooley v UCATT (No 2) D/7-8/12-13**
The claimant made two complaints alleging that the union had breached its rules and breached section 47(1) of the 1992 Act by wrongly excluding himself and another individual from standing as candidates in the 2011 election for General Secretary. The Certification Officer upheld the complaints but did not consider it appropriate to issue an enforcement order on the specific facts of this case.
- **Mr M Dooley v UCATT (No 3) D/9-18/12-13**
The claimant made ten complaints alleging that the union had breached various of its rules in respect of the process of his expulsion from the union. The Certification Officer dismissed all the complaints. Mr Dooley appealed to the Employment Appeal Tribunal but his appeal was dismissed in April 2013, outside this reporting period.
- **Mr P Moloney v Nautilus International D/1-3/12-13**
The claimant made three complaints alleging that the union had breached its rules in relation to its disciplinary proceedings. The Certification Officer upheld one of the complaints and dismissed the other two. The Certification Officer did not consider it appropriate to make an enforcement order in relation to the complaint that was upheld.

9.11 Copies of all the decisions are available on the Certification Officer's website, www.certoffice.org Copies are also available free of charge from the Certification Office.

9.12 In the period 1 April 2012 to 31 March 2013, a total of 494 enquiries were received. These fall under the following broad headings:

General advice on the role of the Certification Officer	21
Issues relating to the listing of trade unions and employers' associations	46
Enquiries about Annual Returns and financial issues	110
Certificates of Independence	12
Appointment, election or dismissal from any office in the union	12
Disciplinary proceedings within the union	18
Balloting of union members (other than industrial action)	9
Political funds	20
Statutory elections	6
Inadequate representation of members by their union	70
Others	170
Total	494

This is a decrease of 233 enquiries on the corresponding period in 2011-2012.

Not all enquires made could result in applications to the Certification Officer. For example the Certification Officer has no jurisdiction regarding inadequate representation of members by their union or in relation to the provision of union benefits or membership.

Appendix 1

(see paragraph 1.13)

List of Trade Unions at 31 March 2013

Notes:

Italics Denotes a trade union first entered in the list during 1 April 2012 to 31 March 2013.

* Denotes a trade union holding a certificate of independence at 31 March 2013.

(P) Denotes a trade union with a political fund resolution in force at 31 March 2013.

England and Wales

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

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

- * Broadcasting Entertainment Cinematograph and Theatre Union (P)
Bus Workers Alliance
- * Chartered Society of Physiotherapy
City Screen Staff Forum
- * Communication Workers Union (P)
- * Community (P)
Currys Supply Chain Staff Association (CSCSA)
- * Ellington Branch of the North East Area of the National Union of Mineworkers
Employees General Union
Employees United
- * Equity (Incorporating the Variety Artistes Federation)
- * FDA
- * Federation of Professional Railway Staff
- * Fire Brigades Union (P)
- * Fire Officers Association
- G4S Care and Justice Services Staff Association
General Federation of Trade Unions
- * GMB (P)
- * Guild of Professional Teachers of Dance, Movement to Music and Dramatic Arts
- Headmasters and Headmistresses Conference
- * Hospital Consultants and Specialists Association
- * ISU
- * Independent Democratic Union
- * Independent Pilots Association
- * Industrial Workers of the World
Institute of Football Management and Administration
- * Institute of Journalists (Trade Union)
International Federation of Air Line Pilots Associations
- * IBOA The Finance Union
- Leeds Building Society Staff Association
- * Leek United Building Society Staff Association
Leicestershire Overmen Deputies and Shotfirers Association
Locum Doctors Association
- * Musicians Union (P)
Myunion
- * NAPO – the Trade Union and Professional Association for Family Court and Probation
Staff
- * National Association of Colliery Overmen Deputies and Shotfirers (P)

- * National Association of Colliery Overmen Deputies and Shotfirers
(South Wales Area)
- * National Association of Co-operative Officials
- * National Association of Head Teachers
- * National Association of NFU Group Secretaries
- * National Association of Schoolmasters Union of Women Teachers (P)
- * National Association of Stable Staff
- * National Federation of Sub-Postmasters
National House Building Council Staff Association
The National Security Workers Union UK (NSWU)
- * National Society for Education in Art and Design
- * National Union of Journalists
- * National Union of Mineworkers (P)
National Union of Mineworkers (Cokemen's Area)
- * National Union of Mineworkers (Colliery Officials and Staffs Area)
- * National Union of Mineworkers (Colliery Officials and Staffs Area) (Region No. 4)
National Union of Mineworkers (Derbyshire Area)
- * National Union of Mineworkers (Leicester Area)
National Union of Mineworkers (Northumberland Area)
National Union of Mineworkers (South Wales Area)
- * National Union of Rail Maritime and Transport Workers (P)
- * National Union of Teachers (P)
- * Nationwide Group Staff Union
- * Nautilus International
NISA
North of England Zoological Society Staff Association

- Palm Paper Staff Association
- * PDA Union
- * POA (P)
PPU
- * Prison Governors Association
Professional Cricketers Association
Professional Footballers Association
- * Prospect (P)
- * Public and Commercial Services Union (P)

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

- * Sales Staff Association
Shield Guarding Staff Association

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

- * Transport Salaried Staffs Association (P)

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

- * Voice

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

- * Yorkshire Independent Staff Association

Notes:

Italics Denotes a trade union first entered in the list during 1 April 2012 to 31 March 2013.

* Denotes a trade union holding a certificate of independence at 31 March 2013.

(P) Denotes a trade union with a political fund resolution in force at 31 March 2013.

Scotland

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

- * Educational Institute of Scotland (P)
 - Independent Federation of Nursing in Scotland

- * National Union of Mineworkers (Colliery Officials and Staffs Area) Scottish Region No. 8
 - Scottish Artists Union
 - Scottish Primary Teachers Association
- * Scottish Secondary Teachers Association

- * United and Independent Union

Notes:

Italics Denotes a trade union first entered in the list during 1 April 2012 to 31 March 2013.

* Denotes a trade union holding a certificate of independence at 31 March 2013.

(P) Denotes a trade union with a political fund resolution in force at 31 March 2013.

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 2013

Notes:

Italics Denotes a trade union first entered in the schedule during 1 April 2012 to 31 March 2013.

(≠) Denotes a branch of an American trade union.

England and Wales

Association of Flight Attendants (Council 07) ≠
Association of Trade Union Political and Public Sector Staff

Bluechip Staff Association

Confederation of Shipbuilding and Engineering Unions

Employees Representatives

Federation of Entertainment Unions

Industrial Workers of Great Britain

International Transport Workers Federation

National Union of Mineworkers (North East Area)

Pret A Manger Staff Union

Society of Local Council Clerks

Trades Union Congress

Scotland

National Union of Mineworkers (Scotland Area)

National Union of Mineworkers (Scottish Area)

Professional Footballers Association Scotland

Scottish Colliery Enginemen Boilermen and Tradesmens Association

Appendix 2

(See paragraph 1.14)

List of Employers' Associations at 31 March 2013

Notes:

Italics Denotes an employers' association first entered in the list during 1 April 2012 to 31 March 2013.

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

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

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

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

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

Glass and Glazing Federation

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

Mastic Asphalt Council

National Association of Farriers Blacksmiths and Agricultural Engineers

National Association of Master Bakers

National Employers Organisation for Local Government Services

National Farmers Union

National Federation of Retail Newsagents

National Hairdressers Federation Ltd

National Pharmacy Association Ltd

National Trainers Federation

Newspaper Society

North East Regional Employers Organisation for Local Authorities

North Western Local Authorities Employers Organisation

Producers Alliance for Cinema and Television

Retail Motor Industry Federation Ltd

Showmens Guild of Great Britain

Smithfield Market Tenants Association London

South East Employers

Thermal Insulation Contractors Association

UK Fashion and Textile Association Ltd

Vehicle Builders and Repairers Association Limited

West Midlands Councils

Scotland

Electrical Contractors Association of Scotland

Employers in Voluntary Housing Limited

Graphic Enterprise Scotland

Malt Distillers Association of Scotland

NFU Scotland

Scottish Decorators Federation

Scottish Engineering

Scottish and Northern Ireland Plumbing Employers Federation

Schedule to Appendix 2

(See paragraph 1.7)

This Schedule contains the names of those employers' associations known to the Certification Officer which are within the statutory definition of an employers' association but which have not applied to be entered on the list at 31 March 2013

Notes:

Italics Denotes an employers' association first entered in the schedule during 1 April 2012 to 31 March 2013.

England and Wales

Association of Colleges

B F M Limited

British Allied Trade Federation

British Ceramic Confederation

British Footwear Association

British Printing Industries Federation Ltd

British Travelgoods and Accessories Association

Chemical Industries Association Ltd

Confederation of Paper Industries Ltd

Covent Garden Tenants Association Limited

Dairy UK

East Midlands Councils

Fencing Contractors Association

Freight Transport Association

Incorporated Guild of Hairdressers Wigmakers and Perfumers

London Association of Funeral Directors

London Fish Merchants Association (Billingsgate) Limited

Master Carvers Association

Metal Packaging Manufacturers Association

National Federation of Roofing Contractors Ltd

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

Society of London Theatre “SOLT”
South West Councils

Theatrical Management Association Ltd

Universities and Colleges Employers Association

Scotland

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

British Packaging Association
Banff and Moray Master Plumbers Association

Fife and Kinross Master Plumbers Association

Inverness and Northern District Master Plumbers Association

Lanarkshire Master Plumbers Association

Perth and District Master Plumbers Association

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

Appendix 3

(see paragraph 2.8 – 2.12)

Decisions on Trade Union Independence during the period 1 April 2012 to 31 March 2013

Certificates of independence issued

None

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

Lawson Mardon Star Ltd Managerial Staff Association

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

Prison Service Union

Applications in progress

Boots Pharmacists Association (BPA)

Workers of England Union

Appendix 4

Summary of Statistics – Trade Unions, returns received during the period 1 April 2012 to 31 March 2013

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.certoffice.org 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 2011, the table includes returns from trade unions with year ending dates ranging from October 2011 to September 2012 and therefore due in this Office between 1 April 2012 and 31 March 2013.

Notes to the Summary of Statistics schedule

- (a) The total membership reported by some trade unions includes a number of special categories (e.g. honorary or retired) who are members under the union's rules but who either pay no contribution to union funds or make a nominal payment only.
- (b) Investment income is shown net of certain items such as outgoings on property held as an investment, but not, for most unions, net of tax paid on that income.
- (c) The total income and total expenditure figures are not confined to normal revenue income and expenditure. The figures cover all items which increased or decreased a union's total funds during the year. They are inclusive of recognised gains and losses, including revaluation of property and assets 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, 2011-2012

(see paragraph 4.3)

	Number of Members (a) (1)	GROSS INCOME			
		From Members £000's (2)	From Investments (b) £000's (3)	Other Income £000's (4)	Total Income (c) £000's (5)
Unite the Union	1,510,026	143,323	3,720	9,837	156,880
UNISON: The Public Service Union	1,317,500	174,244	292	29,864	204,400
GMB	610,116	59,126	1,298	5,303	65,727
Royal College of Nursing of the United Kingdom	417,821	44,417	0	746	45,163
Union of Shop Distributive and Allied Workers	412,441	35,787	1,650	5,410	42,847
National Union of Teachers	386,668	33,691	1,367	3,796	38,854
National Association of Schoolmasters Union of Women Teachers	338,688	29,145	625	2,556	32,326
Public and Commercial Services Union	280,547	30,842	2,060	(11,487)	21,415
Association of Teachers and Lecturers	211,506	15,116	93	695	15,904
Communication Workers Union	204,419	28,292	70	496	28,858
British Medical Association	147,682	41,301	2,162	75,536	118,999
Prospect	118,843	16,385	486	249	17,120
University and College Union	117,039	18,327	18	734	19,079
Total for above unions with 100,000 members or more	6,073,296	669,996	13,841	123,735	807,572
Total for 140 other listed unions with less than 100,000 members	1,117,875	182,140	24,280	48,014	254,434
Total for listed unions	7,191,171	852,136	38,121	171,749	1,062,006
Trades Union Congress	54	15,198	3,509	26,166	44,873
Total for 12 other unlisted unions which have submitted returns	6,190	5,775	1,324	31,791	38,890
Total for all unions 2011-2012	7,197,415	873,109	42,954	229,706	1,145,769
Total for all unions 2010-2011	7,261,210	861,866	30,366	312,522	1,204,754

Notes – see previous page

Appendix 4

GROSS EXPENDITURE	TOTAL FUNDS		GROSS ASSETS				
Total Expenditure (c) £000's (6)	Beginning of the Year (d) £000's (7)	End of the Year (e) £000's (8)	Fixed Assets (f) £000's (9)	Investment Assets (g) £000's (10)	Other Assets (h) £000's (11)	Total Assets (i) £000's (12)	Total Liabilities (j) £000's (13)
174,470	78,659	61,069	122,379	47,850	44,597	214,826	153,757
217,701	125,259	111,958	113,731	22,147	117,381	253,259	141,301
54,760	27,165	38,132	26,744	15,988	19,641	62,373	24,241
41,300	2,929	6,792	0	0	18,365	18,365	11,573
50,935	18,963	10,805	10,455	32,754	9,703	52,912	42,107
32,549	31,499	37,804	19,430	5,446	23,235	48,111	10,307
35,132	29,714	26,908	23,953	11,658	3,537	39,148	12,240
34,564	13,837	688	8,571	5,117	4,748	18,436	17,748
16,799	9,372	8,477	5,898	3,239	2,659	11,796	3,319
30,110	23,492	22,240	19,068	4,558	11,732	35,358	13,118
134,953	108,579	92,625	25,347	71,811	62,007	159,165	66,540
21,004	33,393	29,509	15,885	15,354	3,087	34,326	4,817
19,862	1,779	996	18,107	115	4,358	22,580	21,584
863,939	504,370	448,003	409,568	236,037	325,050	970,655	522,652
270,294	369,055	353,195	123,587	240,532	114,214	478,333	125,138
1,134,233	873,425	801,198	533,155	476,569	439,264	1,448,988	647,790
43,250	11,944	13,567	722	9,667	15,428	25,817	12,250
35,881	88,173	91,182	18,644	28,396	61,455	108,495	17,313
1,213,364	973,542	905,947	552,521	514,632	516,147	1,583,300	677,353
1,051,276	820,848	974,326	523,316	504,204	509,076	1,536,595	562,269

Appendix 5

(see paragraphs 4.1 and 4.15)

Salary and Benefits of Trade Union General Secretaries

England and Wales		£	£
	<i>Title</i> (General Secretary unless stated)	<i>Salary</i>	<i>Benefits</i>
Accord		113,616 (a)	9,437
Advance		20,450	61,634
Affinity		122,975	2,649
Aspect		74,132	
Associated Society of Locomotive Engineers and Firemen		127,891 (b)	48,526 (b)
Association of Educational Psychologists		61,086	7,328
Association of School and College Leaders		114,125	20,514
Association of Teachers and Lecturers		113,788	23,528
Association of Trade Union, Political & Public Sector Staff		100	
Bakers, Food and Allied Workers' Union		44,515	13,711
Boots Pharmacists' Association (BPA)	Chief Executive		8,500 (c)
Britannia Staff Union		12,000	
British Air Line Pilots Association		116,229	23,562
British Association of Colliery Management – Technical, Energy and Administrative Management		76,652	18,344
British Association of Dental Nurses	Chief Executive	43,241	2,800
British Association of Journalists		17,519 (d)	
British Dental Association	Chief Executive	61,500 (b)	
British Dietetic Association		46,013	5,459
British Medical Association	Chairman		129,881 (e)
Broadcasting Entertainment Cinematograph and Theatre Union		63,732	9,017
Chartered Society of Physiotherapy	Chief Executive	98,111	20,603
Communication Workers Union		90,210	29,580
Community		91,804	27,876
Confederation of Shipbuilding and Engineering Unions		92,814	6,300
Currys Supply Chain Staff Association (CSCSA)		25,550	2,674

Equity (Incorporating the Variety Artists' Federation)		72,852	24,023
FDA		94,274	33,465
Fire Brigades Union		69,835	45,889
Fire Officers' Association		37,084	1,189
G4S Care and Justice Services Staff Association	Staff Association Officer	32,352	4,875
General Federation of Trade Unions		65,594	38,925
GMB		91,000	30,000
Guild of Professional Teachers of Dance, Music to Movement and Dramatic Arts		13,000	
Headmasters' and Headmistresses' Conference		89,007 (b)	30,280 (b)
Hospital Consultants and Specialists Association	Chief Executive	79,083 (b)	9,205 (b)
Independent Democratic Union	National Secretary	48,163	10,214
Independent Pilots Federation		21,538	
Institute of Football Management & Administration		8,500	
Institute of Journalists (Trade Union)		34,520	2,288
International Transport Workers Federation		108,065	18,750
Irish Bank Officials Association		€132,455	€66,191
ISU		7,823	
Locum Doctors' Association	Chairperson		300 (c)
Musicians Union		93,274	21,901
NAPO – The Trade Union and Professional Association for Family Court and Probation Staff		66,192	10,914
National Association of Colliery Overmen, Deputies and Shotfirers		67,539	9,762
National Association of Colliery Overmen, Deputies and Shotfirers (South Wales Area)		15,711	
National Association of Co-operatives Officials		92,494	20,292
National Association of Head Teachers		117,645	23,763
National Association of NFU Group Secretaries		7,913	
National Association of Schoolmasters Union of Women Teachers		100,030	29,541
National Association of Stable Staff	Chief Executive	49,056	
National Federation of Sub-Postmasters		80,026	12,674
National Society of Education in Art and Design		44,977 (b)	1,583 (b)

National Union of Journalists		64,336	9,798
National Union of Mineworkers		56,944 (f)	3,441 (f)
National Union of Mineworkers (Cokemen's Area)		29,519	1,374
National Union of Mineworkers (Colliery Officials and Staff Area) Region No 4		12,240	2,239
National Union of Mineworkers (Derbyshire Area)		36,241	49,380
National Union of Mineworkers (Leicester Area)		33,030	4,390
National Union of Mineworkers (Northumberland Area)		42,763	30,780 (g)
National Union of Mineworkers (South Wales Area)		50,617	8,000
National Union of Rail, Maritime and Transport Workers		86,730	34,957
National Union of Teachers		106,235	36,128
Nationwide Group Staff Union		108,420	19,478
Nautilus International		82,002	13,062
NISA		69,657	12,054
PDA Union			5,000 (c)
POA		73,668	25,861
Prison Service Union		79,600	22,686
Professional Cricketers Association		118,208 (h)	2,564 (h)
Professional Footballers' Association		1,082,615	35,474
Prospect		104,525	22,462
Public and Commercial Services Union		88,569	27,860
Retail Book Stationery and Allied Trades Employees Association	President	37,837	9,302
Retained Firefighters Union		45,542	3,960
Royal College of Midwives		113,134 (i)	24,965 (i)
Royal College of Nursing in the United Kingdom	Chief Executive	149,169 (j)	
RSPB Staff Association	Chairman	1,200	
Rugby Players Association (The)		35,394 (k)	23,530 (k)
Shield Guarding Staff Association		25,200	465
Society of Authors Limited		99,049 (b)	19,983 (b)
Society of Chiropodists and Podiatrists		74,084	5,811
Society of Local Council Clerks	Chief Executive	53,222	9,118
Society of Radiographers	Chief Executive	48,967 (l)	6,188 (l)
Solidarity		3,180	272

Trades Union Congress		100,526	39,108
Transport Salaried Staffs Association		82,803 (b)	16,389 (b)
UDW	National Secretary		1,325 (m)
UFS		102,307	30,909
Undeb Cenedlaethol Athrawon Cymru (The National Association of Teachers of Wales)		42,354	6,814
Union of Construction, Allied Trades and Technicians		74,672 (b)	12,877 (b)
Union of Democratic Mineworkers		87,689 (n)	30,804 (n)
Union of General & Volunteer Workers			625 (c)
Union of Shop Distributive and Allied Workers		90,035	28,860
UNISON: The Public Service Union		99,529	8,987
Unite the Union		101,385	21,049
United Road Transport Union		59,699	24,043
Unity		34,650	49,923
University and College Union		100,738	18,162
Voice		72,411	2,082
Welsh Rugby Players Association		45,000	
Workers of England Union	President	5,625	
Writers Guild of Great Britain		54,280	5,220
Yorkshire Independent Staff Association			426
Scotland			
Association of Headteachers and Deputies in Scotland		58,265	8,552
Educational Institute of Scotland		92,321 (b)	27,279 (b)
Independent Federation of Nursing in Scotland		26,967	
National Union of Mineworkers (Scottish Area)		26,814	2,350
Professional Footballers Association Scotland		51,500	
Scottish Secondary Teachers Association		73,728	8,929
United and Independent Union		6,149	

(The information in these tables is derived from the annual returns received during 2012-2013, the majority of which refer to year ending 31 December 2011)

Notes:

- (a) This figure includes a bonus payment of £9,468
- (b) Total paid in respect of two people holding office of general secretary within the period and is not the sum paid to one individual
- (c) Honorarium
- (d) Payment in respect of the General Secretary elect, not the General Secretary
- (e) Honorarium and pension allowance
- (f) Salary is paid in respect of position as NUM Yorkshire Area Agent, benefits are paid in respect of position as Area Agent and National Secretary
- (g) £30,000 of benefits is in respect of a redundancy payment for the past General Secretary
- (h) The Chief's Executive's salary and benefits is associated with all aspect of the PCA Group and not just the trade union
- (i) The General Secretary's salary and benefits are associated with all aspects of the College and not just the trade union
- (j) Includes payments made in respect of the General Secretary's role as Chief Executive of the RCN Charter Body
- (k) £17,185 of benefits is a bonus payment
- (l) Represents 50% of total salary and benefits. The other 50% is reported in the College of Radiographers accounts
- (m) Consultancy Fees
- (n) £77,833 of salary and £30,804 of benefits is paid in respect of the position of the President of the Nottingham Section of the UDM

Appendix 6

Summary of Statistics – Employers’ Associations, returns received during the period 1 April 2012 to 31 March 2013

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 2011, the table includes returns from employers' associations with year ending dates ranging from October 2011 to September 2012 and therefore due in this Office between 1 April 2012 and 31 March 2013.

Notes

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

Summary of Statistics – Employers’ Associations, 2011-2012

(see paragraph 4.17)

	GROSS INCOME				GROSS EXPENDITURE
	From Members	From Investments	Other Income	Total Income	
	£000’s	£000’s	£000’s	£000’s	£000’s
	(1)	(2)	(3)	(4)	(5)
Employers’ Associations with over £2,500,000 total income					
England and Wales Cricket Board Limited	0	674	146,037	146,711	132,190
London Council	59,902	244	17,119	77,265	88,997
EEF Limited	16,354	3,726	19,097	39,177	36,691
National Farmers Union	29,136	1,545	(1,270)	29,411	30,027
Electrical Contractors Association	3,812	1,525	20,574	25,911	42,985
Freight Transport Association Limited	23,655	2	252	23,909	23,711
Building & Engineering Services Association	3,910	578	8,732	13,220	14,666
Association of Colleges	4,827	79	3,779	8,685	11,860
Road Haulage Association Limited	2,906	19	3,493	6,418	7,066
Society of London Theatre “SOLT”	458	5	5,907	6,370	6,590
National Pharmacy Association Ltd	4,276	58	1,671	6,005	6,737
Chemical Industries Association Limited	3,658	8	1,392	5,058	4,650
National Federation of Retail Newsagents	4,440	144	317	4,901	5,490
British Printing Industries Federation	2,471	24	2,173	4,668	4,947
Retail Motor Industry Federation Limited	2,955	477	1,187	4,619	5,077
Federation of Master Builders	4,296	138	0	4,434	4,418
Newspaper Society	2,400	146	1,010	3,556	3,674
South West Councils	284	55	2,772	3,111	3,080
Electrical Contractors Association of Scotland	1,456	130	1,290	2,876	4,125
Engineering Construction Industry Association	2,142	86	541	2,769	4,201
NFU Scotland	2,000	56	483	2,539	2,451
Total for above Employers’ Associations	175,338	9,719	236,556	421,613	443,633
Total for 47 other listed Employers’ Associations	18,136	1,634	12,873	32,643	35,184
Total for 32 other unlisted Employers’ Associations	11,643	692	9,359	21,694	22,575
Total for all Employers’ Associations 2011-2012	205,117	12,045	258,788	475,950	501,392
Total for all Employers’ Associations 2010-2010	204,209	10,986	301,598	516,793	499,859

See Notes on previous page

Appendix 6

TOTAL FUNDS		GROSS ASSETS				Total Liabilities	Number of Members
Beginning of the Year (c) £000's (6)	End of the Year £000's (7)	Fixed Assets £000's (8)	Investments £000's (9)	Other Assets £000's (10)	Total Assets £000's (11)		
22,430	36,951	9,041	28,106	29,770	66,917	29,966	200
3,434	(8,298)	778	0	16,741	17,519	25,817	35
43,003	45,489	17,383	32,047	9,112	58,542	13,053	2,302
79,445	78,829	17,126	76,537	10,483	104,146	25,317	104,698
38,375	21,301	6,693	51,707	9,509	67,909	46,608	2,922
262	460	2,951	0	8,063	11,014	10,554	13,833
6,024	4,578	2,249	1,417	21,660	25,326	20,748	1,377
421	(2,754)	137	0	12,438	12,575	15,329	383
2,442	1,794	821	100	1,897	2,818	1,024	7,056
635	415	1,895	0	16,119	18,014	17,599	155
5,758	5,026	2,716	5	5,163	7,884	2,858	3,990
1,448	1,856	98	20	2,865	2,983	1,127	112
6,057	5,468	1,961	2,498	1,902	6,361	893	17,050
(1,058)	(1,337)	601	1	1,046	1,648	2,985	2
18,809	18,351	6,167	12,422	1,571	20,160	1,809	7,648
3,762	3,778	4,078	6	1,790	5,874	2,096	9,899
1,913	1,795	2	2,187	907	3,096	1,301	34
(4,325)	(4,294)	128	4,350	160	4,638	8,932	56
5,157	3,908	3,131	50	1,408	4,589	681	1,253
6,369	4,937	13	883	6,160	7,056	2,119	277
1,712	1,800	402	1,215	744	2,361	561	8,624
242,073	220,053	78,371	213,551	159,508	451,430	231,377	181,906
45,397	42,856	22,208	31,814	29,027	83,049	40,193	21,216
24,370	23,489	7,154	12,503	13,790	33,447	9,958	11,338
311,840	286,398	107,733	257,868	202,325	567,926	281,528	214,460
298,347	315,279	107,964	261,623	227,865	597,452	282,169	223,268

Appendix 7

(see paragraph 5.4)

Trade Unions Maintaining Members' Superannuation Schemes at 31 March 2013

Notes:

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

GMB (BMS Section Members' Superannuation Fund)

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

Unite the Union: (6 schemes listed below)

AEEU Section Superannuation Scheme

British Aerospace Senior Staff Association Superannuation Fund

Litho Printers' Section Superannuation Fund

*Plate Preparers' Section Superannuation Fund

*Sheet Metal Workers Superannuation Fund

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

Appendix 8

(see paragraphs 6.10 to 6.12)

Mergers completed during the period 1 April 2012 to 31 March 2013

Trade Union Transfers of Engagement

<i>Engagements transferred from</i>	<i>To</i>	<i>Transfer registered on</i>
Prison Service Union	Community	26 March 2013

Trade Union Amalgamations

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

Employers' Association Transfers of Engagement

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

Employers' Association Amalgamations

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

Appendix 9

Political Funds of Trade Unions, 2011-2012

(See Paragraph 7.14)

	Number of Members contributing to the Political Fund	Number of Members not contributing to the Political Fund
	(1)	(2)
Aspect	3,267	377
Associated Society of Locomotive Engineers and Firemen	16,289	2,609
Association of Revenue and Customs	2,316	236
Bakers Food and Allied Workers Union	20,816	964
Broadcasting Entertainment Cinematograph and Theatre Union	23,635	691
Communication Workers Union	169,237	35,182
Community	21,437	1,715
Educational Institute of Scotland	48,660	7,674
Energy and General Workers Union	39	0
Fire Brigades Union	34,335	8,270
GMB	584,559	25,557
Musicians Union	27,977	3,505
National Association of Colliery Overmen, Deputies and Shotfirers	323	116
National Association of Schoolmasters Union of Woman Teachers	257,306	81,382
National Union of Mineworkers	2,083	754
National Union of Rail Maritime and Transport Workers	68,053	8,040
National Union of Teachers	322,072	64,596
POA	32,599	480
Prospect	91,305	27,538
Public and Commercial Services Union	260,291	20,256
Transport Salaried Staffs Association	23,134	1,528
Union of Construction Allied Trades and Technicians	57,134	26,626
Union of Democratic Mineworkers	0	0
Union of Shop Distributive and Allied Workers	392,969	19,472
UNISON: The Public Service Union	853,300	464,200

POLITICAL FUND (a)

Number of Members exempt from contributing to the Political Fund (3)	Income £ (4)	Expenditure £ (5)	Fund at Beginning of Year £ (6)	Fund at End of year £ (7)
0	11,508	7,769	67	3,806
545	117,709	119,657	87,902	85,954
236	6,735	27,108	125,950	105,577
0	76,653	67,751	15,311	24,213
513	39,150	32,395	1,838	8,593
23,272	881,185	822,586	(171,276)	(112,677)
1,404	215,000	257,000	182,000	140,000
3,437	141,473	39,196	1,611,004	1,713,281
0	122	0	1,360	1,482
7,174	278,510	150,378	1,144,918	1,273,050
25,557	3,176,000	2,868,000	705,000	1,013,000
1,159	91,144	62,628	33,164	61,680
0	1,680	106	24,976	26,550
9	198,244	173,825	109,692	134,111
168	26,241	26,307	98,448	98,382
279	239,000	289,000	129,000	79,000
2,295	399,170	53,872	277,838	623,136
4	58,740	58,195	8,914	9,459
3,978	94,000	137,000	652,000	609,000
792	315,867	304,775	294,314	305,406
1,294	161,455	117,314	111,289	155,430
15,364	226,000	235,000	192,000	183,000
0	91	8,151	8,060	0
19,472	2,008,000	1,885,000	721,000	844,000
13,560	6,442,000	5,820,000	5,155,000	5,777,000

Political Funds of Trade Unions, 2011-2012 cont.

(See Paragraph 7.14)

	Number of Members contributing to the Political Fund (1)	Number of Members not contributing to the Political Fund (2)
Unite the Union	1,001,508	508,518
Unity	3,876	308
University and College Union	96,409	20,630
Total for the 28 unions with political funds which reported in this period	4,414,929	1,331,224
Total for the 28 unions with political funds which reported in the previous period	4,403,244	1,420,690

Notes:

- (a) The information in the table is derived from annual returns received during 2012-13, the majority of which relate to the year ending 31 December 2011.

POLITICAL FUND (a)

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

Income
£
(4)

Expenditure
£
(5)

Fund at
Beginning
of Year
£
(6)

Fund at
End
of year
£
(7)

169,292	6,543,000	4,074,000	3,020,000	5,489,000
239	17,782	5,684	62,712	74,810
17,646	145,684	147,761	10,349	8,272

307,689	21,912,143	17,790,458	14,612,830	18,734,515
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504,276	22,783,252	26,465,984	18,291,803	14,609,071
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Appendix 10

Current statutory fees applicable

Fees are set by the Secretary of State and were amended in Parliament by The Certification Officer (Amendment of Fees) Regulations 2005 (SI 2005/713) under the provisions of sections 108 and 293 of the Trade Union and Labour Relations (Consolidation) Act 1992.

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

Appendix 11

Certification Office Publications

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

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

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

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

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

Political funds: a guide to review ballots

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

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

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

Guidance on procedure at formal hearings of the Certification Officer

Freedom of Information Act: Certification Office Publication Scheme

Annual Reports of the Certification Officer

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

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Trade Unions and Employers' Associations**

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