

Annual Report of the Certification Officer

2013-2014



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CERTIFICATION OFFICE
FOR TRADE UNIONS AND EMPLOYERS' ASSOCIATIONS

**Annual Report
of the Certification Officer
2013-2014**

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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 2013 to 31 March 2014.

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

DAVID COCKBURN
The Certification Officer
24 June 2014

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Introduction

This is the thirty-eighth 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 2013 to 31 March 2014.

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

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

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

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

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

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

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

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

In addition to the responsibilities described above, I am to be given further statutory powers by Part Three of the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (“the Lobbying Act”), which received Royal Assent in January 2014. Part Three of this Act builds upon the existing duty in section 24 of the 1992 Act for a trade union to secure, so far as is reasonably practicable, that its register of members is accurate and kept up to date.

By Part Three of the Lobbying Act, trade unions will be required to supply an annual Membership Audit Certificate to the Certification Officer. Unions with more than 10,000 members are required to appoint an Assurer who will certify whether, in the Assurer’s opinion, the union’s systems are satisfactory for the purposes of complying with section 24 of the 1992 Act. Other unions will self-certify. The Act also gives me new powers to require the production of documents in relation to membership registers where I think there is good reason to do so and I can appoint an inspector to investigate and report upon whether there is or has been a breach of section 24(1) of the 1992 Act. The new powers allow me to declare that a union has failed to comply with these duties. I am also to be given the power to issue an enforcement order if a union or any other relevant person has failed to comply with a requirement to produce documents or a duty to cooperate with an investigation. Such an order can be enforced as an order of the High Court or Court of Session in Scotland.

Although the Lobbying Act received Royal Assent in January 2014, the date for the commencement of the new obligations on trade unions and my new powers has yet to be set.

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 2013-2014 is 7,086,116. This represents a decrease of 111,299 members or 1.5% 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 9.5% in the previous year to 9.1%.

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 162 trade unions and 97 employers’ associations. In this period, seven trade unions and two employers’ associations were removed from the lists and schedules. One union moved its headquarters out of Great Britain, one no longer met the definition of a trade union and five were dissolved. Both the employers’ associations that were removed from the lists and schedule were found no longer to meet the statutory definition of an employers’ association. On the other hand four entirely new unions were added to the list and schedule of trade unions (see paragraphs 1.9 and 1.10).

In my last Annual Report, I referred to a number of bodies that had applied to be entered on the list of trade unions seemingly for the commercial purpose of exercising the right to accompany workers at grievance and disciplinary hearings under section 10 of the Employment Relations Act 1999 for a fee. I noted that one of the organisations that I had refused to list, the General and Healthcare Workers Union, had appealed my decision to the Employment Appeal Tribunal (EAT). That appeal was unsuccessful. In its decision, the EAT commented that an organisation that seeks to be listed as a trade union has the burden of establishing that its principal purposes include the regulations of relations between workers and employers and emphasised the need for a collective element in the principle purposes: *Akinosun (on behalf of the General and Healthcare Workers Union) v The Certification Officer* [(2013) IRLR 937].

Over the past reporting year I determined 36 complaints. Of these, 28 complaints alleged that a union had breached its own rules and eight related to alleged breaches of statute. A summary of these decisions can be found in Chapters 4, 8 and 9 of this report. The decisions which attracted the most attention were the complaints by Mr Mace (D/7-9/13-14) and Mr Thompson (D/10-14/13-14) against the National Union of Mineworkers (NUM). These complaints related to elections in the National NUM and the Yorkshire Area of the NUM. I upheld three of the complaints and made two enforcement orders: an order that the election for the position of the National President be re-run and an order that the delayed election for the position of Yorkshire Area Agent/Secretary be held by a certain date. Both of my decisions are now the subject of appeals to the EAT. Copies of all decisions made by the Certification Officer since 1975 are available on the Certification Office website: www.certoffice.org.

My website continues to be the primary source for those interested in obtaining information about the work of the Certification Office. It contains every decision made by the Certification Officer since 1975, all the annual returns from trade unions and employers' associations since 2003, guidance on various aspects of the Certification Office functions, copies of my Annual Report back to 1999-2000 and a list of the trade unions and employers' associations known to me. The item most downloaded in 2013-2014 was the Annual Return of Unite the Union for 2012. My decision most downloaded was in respect of the application made by the Boots Pharmacists' Association for a certificate of independence (see Chapter 2). It is possible to sign up on the website 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 and employers' associations up to 31 March 2014 which mainly cover the period October 2012 to September 2013 (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. On 31 March 2014 there were seven staff in post in the Certification Office. The net cost of the Office for the year ending 31 March 2014 was £581,700. This represents a slight increase of £7,591 in the cost of the running of the office. My salary as Certification Officer at 31 March 2014 was £73,704 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 35% of the Office's resources were allocated to work connected with the maintenance of the lists of trade unions and employers' associations, 33% to work relating to complaints and trade union finances, 24% to ensuring receipt of annual returns and their processing and the remainder to other matters including political funds, certification of independence and mergers. The growth in resources devoted to maintenance of my list is a reflection of the increased work associated with applications for listing as a trade union, as noted above.

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 £822.30. Assistance with legal costs is not available.

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 who, since my appointment in 2001, has been available to me as an Assistant Certification Officer to determine those complaints in which it would be appropriate that I recuse myself, decided to stand down from this role on 31 March 2014. I would like to record my gratitude to Mr Whybrew for the very able way in which he has assisted me over this period.

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 2014 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 1.18 and 1.19). The Act does not impose any test of size or effectiveness but entry in the list is not automatic. The Certification Officer will test whether the organisation satisfies the statutory definition. There are simplified provisions for the listing of a trade union or unincorporated employers' 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). On 22 January 2013 the Certification Officer refused an application to list the General and Healthcare Workers Union (GAHWU) on the list of trade unions. GAHWU appealed to the EAT. The appeal was dismissed on 5 July 2013 on the grounds that the Certification Officer had correctly decided that GAHWU's principle purposes did not include the regulation of relations between workers and employers and that therefore GAHWU did not meet the definition of a trade union.
- 1.4 For trade unions, listing is an essential preliminary to any application for a certificate of independence under section 6 of the 1992 Act. There are a number of other advantages of being listed for trade unions and unincorporated employers' associations. It is one of the requirements for obtaining tax relief in respect of expenditure on provident benefits (section 981 of the Corporation Tax Act 2010). There are certain procedural advantages in connection with the devolution of property following a change of trustees (section 13 of the 1992 Act). The fact of being on the relevant list is evidence

(in Scotland, ‘sufficient evidence’) that the organisation is a trade union or employers’ association. The name of a trade union or employers’ association is protected by the provision that an organisation shall not be entered in the relevant list if its name so nearly resembles the name of an organisation already on that list as to be likely to deceive the public.

- 1.5 The current lists are available for inspection free of charge at the Certification Office, 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 amalgamation

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

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

- 1.7 As entry on the lists is voluntary, it is difficult to know precisely how many trade unions and employers’ associations exist but have not applied to be listed. At the end of this reporting period, the Certification Officer was aware of 13 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. It should be noted that 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.

Removal from the lists and schedules

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

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

- 1.9 The table below gives the names of the seven trade unions and two employers' associations removed from the lists and schedules during the period 1 April 2013 to 31 March 2014. 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. Two trade unions were moved from the schedule to the list.

Trade Unions

England and Wales – Listed

International Federation of Airline Pilots Association

National Federation of Sub-Postmasters

National Security Workers Union, UK (NSWU) The

National Union of Mineworkers (Colliery Officials and Staffs Area)

Scottish Region No.8

Retired Officers' Association

England and Wales – Scheduled

BLUECHIP STAFF ASSOCIATION¹

Industrial Workers of Great Britain²

Pret-A-Manger Staff Union

Scotland – Listed

Scottish Primary Teachers' Association

Scotland – Scheduled

None

Employers' Associations

England and Wales – Listed

Birmingham Wholesale Fresh Produce Association

National Pharmacy Association Ltd

England and Wales – Scheduled

None

Scotland – Listed

None

Scotland – Scheduled

None

¹Moved from schedule to the list.

²Moved from the schedule to the list under the name 'Independent Workers Union of Great Britain (IWGBB)'.

Additions to the lists and schedules

- 1.10 The table below gives the names of the six trade unions added to the lists and schedules during the period 1 April 2013 to 31 March 2014.

Trade Unions

England and Wales – Listed

ASPSU

BLUECHIP STAFF ASSOCIATION

Independent Workers Union of Great Britain (IWGB)

National Crime Officers' Association

Pop-up Union, The

United Voices of the World

England and Wales – Scheduled

None

Scotland – Listed

None

Scotland – Scheduled

None

Employers' Associations

England and Wales – Listed

None

England and Wales – Scheduled

None

Scotland – Listed

None

Scotland – Scheduled

None

The lists and schedules at 31 March 2014

- 1.11 As required by sections 2 and 123 of the 1992 Act, this report includes the names of those trade union and employers' associations on the lists and schedules as at 31 March 2014. They are reproduced as Appendices 1 and 2. The lists comprised 149 trade unions and 56 employers' associations whilst the schedules comprised 13 trade unions and 41 employers' associations.

Changes during the year are summarised in the tables below:

Listed trade unions and employers' associations

	<i>On lists at 31 March 2013</i>	<i>Changes between 1 April 2013 and 31 March 2014</i>		<i>On lists at 31 March 2014</i>
		<i>Additions</i>	<i>Removals</i>	
Trade Unions	149	6	6	149
Employers' Associations	58	0	2	56

Scheduled trade unions and employers' associations

	<i>On schedule at 31 March 2013</i>	<i>Changes between 1 April 2013 and 31 March 2014</i>		<i>On schedule at 31 March 2014</i>
		<i>Additions</i>	<i>Removals</i>	
Trade Unions	16	0	3	13
Employers' Associations	41	0	0	41

1.12 As at 31 March 2014 the total number of listed and scheduled trade unions and employers' associations is, therefore, as follows:

	Listed	Scheduled	Totals
Trade Unions	149 (149)	13 (16)	162 (165)
Employers' Associations	56 (58)	41 (41)	97 (99)

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

Special register bodies

1.13 Under the Industrial Relations Act 1971, a special register was established for the registration of organisations which were either companies or incorporated by charter or letters patent and which took part in collective bargaining on behalf of their members. These were mainly professional bodies.

- 1.14 Section 10(3) of the 1992 Act provides that trade unions cannot have corporate status. However, section 117 provides for an exception to preserve the position of those bodies which were already on the special register.
- 1.15 Special register bodies are also exempt from the requirement to conduct elections for the posts of president and general secretary where they are not voting members of the Executive. However, the voting members of the executive committee of special register bodies must be elected in accordance with the statutory provisions.
- 1.16 The following 13 special register bodies remain on the list of trade unions:

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

Changes of name of listed trade unions and employers' associations

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

<i>Trade Unions</i>		<i>Effective Date</i>
<i>From</i>	NISA	
<i>To</i>	News Union	22 November 2013
<i>From</i>	West Midland Councils	
<i>To</i>	West Midland Employers	11 April 2013

From Association for Clinical Biochemists Limited

To Association for Clinical Biochemistry & Laboratory Medicine 11 April 2013

Definition of a trade union

1.18 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

1.19 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 Certification Officer within

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”.

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 Applications for a certificate of independence were received from the Boots Pharmacists' Association and the Workers of England Union during the last reporting period (2012-2013). Both were determined in this reporting period. Further, an application was received from the PPU during this reporting period.
- 2.9 Certificates of independence were granted by the Certification Officer to the Workers of England Union on 26 June 2013 and the PPU on 25 March 2014.
- 2.10 The Certification Officer decided that the Boots Pharmacists' Association did not meet the criteria of an independent trade union and refused its application for a certificate of independence. This decision was issued on 22 May 2013.

- 2.11 The application of the Workers of England followed a hearing in the Employment Tribunal in which its President/Treasurer had claimed that his employer had prevented or deterred him from taking part in the activities of an independent trade union at an appropriate time contrary to section 146 of the 1992 Act. At the time of the alleged incidents the union did not have a certificate of independence. The employer's appeal to the EAT was stayed to enable the union to apply for a certificate of independence, which was granted on 26 June 2013. In May 2014, outside this reporting period, the Court of Appeal allowed the case to proceed to a full hearing and made findings about the jurisdiction of Employment Tribunals in such cases and the retrospective effect of a certificate of independence (*Bone v North Essex Partnership NHS Foundation Trust* [2014] EWCA Civ 652).
- 2.12 No formal reviews of existing certificates of independence were undertaken during the period.
- 2.13 Following a review into the status of the National Federation of Sub Post Masters as a trade union, the Certification Officer issued a decision on 13 January 2014 that it was not a trade union and, on this basis, its name was removed from the list of trade unions and its certificate of independence also cancelled.
- 2.14 Two certificates of independence were cancelled because the unions concerned ceased to exist. These were the certificates held by the Retired Officers' Association and the National Union of Mineworkers (Colliery Officials and Staffs Area) Scottish Region No. 8.
- 2.15 On 31 March 2014 there were 104 trade unions which held certificates of independence.

Annual Returns, Financial Irregularities and Access to Accounting Records

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

The statutory provisions

- 3.1 Sections 28 and 131 of the Trade Union and Labour Relations (Consolidation) Act 1992 ("the 1992 Act") provide respectively that every trade union and every employers' association (except those which consist wholly or mainly of representatives of constituent or affiliated organisations) must keep proper accounting records in respect of its transactions, assets and liabilities. Each trade union or employers' association must establish and maintain a satisfactory system of control of its accounting records, its cash holdings and all its receipts and remittances. The accounting records kept must be such as are necessary to give a true and fair view of the state of affairs of the organisation and to explain its transactions.
- 3.2 Under sections 32 and 131 of the 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's or an employers' association's accounts if he or she is eligible for appointment as a company auditor under Part 42 of the Companies Act 2006 ("a Companies Act auditor"). Section 37 of the 1992 Act sets out the rights of auditors including access to information and the entitlement to attend and speak at general meetings of the organisation.
- 3.7 A trade union (other than a special register body as described in Chapter 1 of this Report, paragraphs 1.13 to 1.16) 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. One related to a trade union's failure to keep proper accounting records for the period concerned. The other related to an employers' association's failure to comply fully with an accounting standard on 'Related Party Transactions'. The Certification Officer made enquiries of the two organisations 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, paragraphs 1.13 to

1.16) or an employers' association incorporated under the Companies Act, 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 Act 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 Act, 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 wilful neglect to perform any of them is an offence for which the organisation concerned may be prosecuted and fined. The Certification Officer is responsible for enforcing these provisions, but does not generally undertake prosecutions for offences such as theft or fraud which would normally be dealt with by other prosecuting authorities. However, the Certification Officer is able to appoint inspectors to investigate allegations of financial irregularities in the affairs of a trade union or employers' association (See paragraph 3.18 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 (71%), their financial year coincides with the calendar year and ends on 31 December, but others differ. By 31 March 2014, 99.2% of all due returns had been received including the returns of all trade unions. The annual returns of 8% 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 No prosecutions for failure to submit an annual return were initiated during this period.

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 endeavour to ensure that full compliance with the 1992 Act is maintained.

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

- 3.18 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 three trade unions: the National Union of Schoolmasters Union of Women Teachers (NASUWT); the National Union of Teachers (NUT); and the Union of Democratic Mineworkers (UDM). In all three cases the concerns were raised by members of the union. The Certification Officer made enquiries of the unions concerned. The enquiries relating to the NUT were concluded without the Certification Officer finding it necessary to exercise his statutory powers. The Certification Officer was still in contact with the NASUWT and the UDM at the end of this reporting period. During the year the Certification Officer concluded his enquiries into an issue raised about the National Union of Journalists (NUJ) in the last period. He again did not find it necessary to use his statutory powers. The concerns raised about the National Union of Mineworkers in the previous reporting period have been stayed pending the outcome of appeals to the EAT regarding related Certification Officer decisions.
- 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. The Certification Officer notified the members who raised concerns about the NUJ and NUT of his decisions and gave reasons.

- 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 in 2013-2014

- 3.30 In this reporting period, the Certification Officer determined both the complaints outstanding from the previous reporting period. In *Flanagan v UCATT* (D/28/13-14) the complainant alleged that the union had breached section 30(2)(a) of the 1992 Act by not complying with a request for accounting records within 28 days. The Certification Officer upheld the complaint but made no order. By the time of the decision Mr Flanagan had been able to inspect the relevant accounting records. Mr Flanagan also complained about the payment the union required of him to inspect the accounting records. This complaint was struck out on the grounds that it had no reasonable prospect of success and/or was misconceived, following the Certification Officer's previous decision in *Dooley v UCATT* (No 4) (D/26-27/12-13). In *Illingworth v National Union of Teachers* (D/35/13-14) the Certification Officer upheld the complaint that access to the requested accounting records had not been arranged within 28 days. Again no order was made as access had been granted prior to the decision.
- 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). Copies of all decisions made by the Certification Officer since 1975 are available on the Certification Office website: www.certoffice.org or can be obtained free of charge upon request 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 2013-2014

4.1 The information in this chapter is derived from the annual returns received during this 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 2013 and 31 March 2014. 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 2012 and September 2013. However, the majority (71%) of returns are for unions or employers' associations with accounting periods ending 31 December 2012.

4.2 A total of 263 trade unions and employers' associations submitted returns for this period. These were made up as follows:

152	Listed trade unions
14	Scheduled trade unions
59	Listed employers' associations
38	Scheduled employers' associations

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

The number of trade unions and employers' associations which submit annual returns in any given reporting year is seldom the same as the number of trade unions and employers' 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 2013-2014. 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: this is the same number as reported in the Annual Report for 2012-2013 (though not all the same unions).

4.5 The trade unions which submitted annual returns recorded a total membership of 7,086,116. The major unions, each with a membership of over 100,000, accounted for 5,965,670 members or 84.2% of the total. Returns received in the period show the distribution of trade union membership by size as follows:

Trade unions: distribution by size

			<i>Number of Unions</i>		<i>Membership of all Unions</i>	
<i>Number of Members</i>	<i>Number of Unions</i>	<i>Membership</i>	<i>Per cent</i>	<i>Cumulative Per cent</i>	<i>Per cent</i>	<i>Cumulative Per cent</i>
Under 100	30	1,202	18.1	18.1	0.0	0.0
100-499	30	8,287	18.1	36.1	0.1	0.1
500-999	15	11,083	9.0	45.2	0.2	0.3
1,000-2,499	23	37,912	13.9	59.0	0.5	0.8
2,500-4,999	15	54,875	9.0	68.1	0.8	1.6
5,000-9,999	11	85,025	6.6	74.7	1.2	2.8
10,000-14,999	2	23,848	1.2	75.9	0.3	3.2
15,000-24,999	11	225,061	6.6	82.5	3.2	6.3
25,000-49,999	12	404,427	7.2	89.8	5.7	12.0
50,000-99,999	4	268,726	2.4	92.2	3.8	15.8
100,000-249,999	5	797,381	3.0	95.2	11.3	27.1
250,000 and over	8	5,168,289	4.8	100.0	72.9	100.0
Total	166	7,086,116	100	100	100	100

4.6 The recorded trade union membership of 7,086,116 in 2013-14, compares to 7,197,415 reported in the previous period. This indicates a decrease of 111,299 members or 1.55%. The total recorded membership of around 7.1 million compares with a peak of 13.2 million in 1979, a fall of about 46%.

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>2012-2013</i>	<i>2011-2012</i>	<i>% changes</i>
<i>Increases</i>			
Union of Shop Distributive and Allied Workers	425,652	412,441	+ 3.2
<i>Decreases</i>			
UNISON:	1,301,500	1,317,500	- 1.2
Unite the Union	1,424,303	1,510,026	- 5.7
Public and Commercial Service Union	262,819	280,547	- 6.3

- 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 90.9% of the total number of members. This compared to 90.5% in the preceding year.

Membership register

- 4.9 A trade union has a duty to maintain a register of the names and addresses of its members and a duty, so far as reasonably practicable, to ensure that entries in the register are accurate and kept up-to-date. The 1992 Act provides that a trade union should allow any member on request, with reasonable notice, to ascertain from the register, free of charge, whether there is an entry on it relating to him or her. An application that a trade union has failed to comply with the requirements of section 24 of the 1992 Act can be made to either the Certification Officer or the court.
- 4.10 During the period 1 April 2013 to 31 March 2014 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. 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 £1,170.82 million, an increase of 2.2% on that recorded by unions the previous year. Income from members increased by 1.7% to £888.2 million. Income from investments fell by 16.7% and income from other sources rose by 7.5%.
- 4.13 Gross expenditure by unions during this reporting period decreased by 3.9% to £1,165.94 million, while at the end of the reporting period total funds (net assets) amounted to £912.90 million, an increase of 0.8% 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 14% of unions paid a salary to their general secretary of over £100,000, 21% paid between £60,001 and £100,000, 15% paid between £30,001 and £60,000 and 13% paid up to £30,000, while the general secretaries of the remaining 36% did not receive a salary. Six 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 23 associations (including scheduled associations) with total income of more than £2.5 million.
- 4.17 The statistics in Appendix 6 are based on returns from 97 employers' associations received in this reporting year compared with returns from 100 received in the reporting year for 2012-2013.
- 4.18 From the returns received in this period, the figures show the gross income of employers' associations was £451.99 million compared with £475.95 million recorded for the previous year, a decrease of 5%. Income from members fell by £5.37 million to £199.75 million, a decrease of 2.6%. Income from investments fell from £12.05 million to £10.40 million, a decrease of 13.7%. Other income decreased from £258.79

million to £241.85 million a decrease of 6.5%. During the same period, expenditure fell from £501.39 million to £432.60 million, a decrease of 13.7 %.

- 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 £306.95 million, an increase of £20.55 million (7.2%) 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' association¹ 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. 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 complied with.
- 5.3 Actuarial reports received by the Certification Officer may be sent to the Government Actuaries Department (GAD) for their specialist comment. The views of GAD would be passed on to the union.

Schemes maintained

- 5.4 At the end of the reporting period there were eight members' superannuation schemes known to the Certification Officer maintained by three trade unions. They are listed in Appendix 7 and are mostly small schemes. At the time of their last actuarial examination, four schemes had assets of over £500,000 and only the scheme of the National Union of Rail Maritime and Transport Workers covered more than 10,000 members.

¹In practice the requirements affect trade unions only. The Office is not aware of any schemes maintained by employers' associations.

- 5.5 The Certification Officer may grant exemption from the statutory requirement for actuarial examination on the grounds that a scheme is only applicable to a small number of members or for any other special reasons. There are three schemes which have been granted exemption on these grounds (see Appendix 7). During this reporting year, no application was made for exemption of any of the schemes.

Actuarial reports received in 2013-2014

- 5.6 There were no reports due or received during this reporting period. No reports are due in 2014-15

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. During this reporting period, there was no transfer of engagements involving a trade union and no amalgamations of unions.

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 have not been observed. The Certification Officer shall determine any such complaint and the parties have a right to an oral hearing. If the Certification Officer upholds the complaint, he shall make a declaration and may make an order specifying the steps which must be taken before he will register the instrument. There is a right of appeal against the Certification Officer's decision to the Employment Appeal Tribunal on a point of law. If no such complaint is received from a member, the Certification Officer will register the instrument of transfer after the end of the six week period if he is satisfied that the rules of the transferee organisation (including any amendments to the rules made to give effect to the provisions of the instrument) are in no way inconsistent with the terms of the instrument. The merger takes effect either on the date the instrument of transfer is registered or a later date if specified in the instrument.
- 6.7 Formal documents kept by the Certification Officer relating to mergers under the 1992 Act are available for public inspection for a prescribed fee (see Appendix 10).

Trade Unions formed by an amalgamation

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

Guidance

- 6.9 The Certification Office has produced two guidance booklets on the statutory requirements for transfers of engagements and amalgamations, one for trade unions and the other for employers' associations. These explain the merger procedures in detail and set out, with explanatory notes, the matters to be included in an instrument of transfer or amalgamation. Copies are available on the Certification Officer's website 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 2013-2014

- 6.10 There were no mergers during this period.

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 2013 to 31 March 2014.

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 available 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 during 2013-2014

- 7.9 No new political fund rules were approved for the first time 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 2014, there were 25 unions which had political fund resolutions in force. This is the same number that reported last year. The listed and scheduled trade unions in Appendix 1 which have a political fund are identified by the symbol (P).

Political fund review ballots

- 7.12 During this reporting period, two trade unions were required by section 73(3) and 73(4) of the 1992 Act to hold a review ballot (see paragraph 7.7). These trade unions were Prospect and Unite the Union. The members of each union voted to retain the political fund; the members of Prospect by a majority of 91.3% and the members of Unite the Union by 87.4%. In the next reporting year there are 13 trade unions due to hold a review ballot.

Political fund resolutions lapsed

- 7.13 During the period no political fund resolutions lapsed.

Political funds of trade unions at 31 March 2014

- 7.14 Detailed statistical information about the political funds of trade unions is set out in Appendix 9. The statistics are derived from the 26 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 2012 and September 2013 (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. 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. In this reporting period, the Energy and General Workers Union, which dissolved in February 2013, submitted its final return.
- 7.16 Annual returns received during the period 1 April 2013 to 31 March 2014, show the total income of political funds as £24.07 million compared with £21.91 million reported in the 2012-2013 report, an increase of 9.8%. The total expenditure from political funds was £17.77 million compared with £17.79 million in the preceding year, a decrease of 0.1%. The returns received within the period also show that the total value of political funds during the reporting period was £25.03 million: up £6.29 million (33.6%) on the £18.73 million reported in the 2012-2013 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 4,791,211 compared with 4,414,929 in the 2012-2013 Report. This increase in the number of contributing members can largely be attributed to a change in the way UNISON reported its political fund membership in its annual return. This change arose out of UNISON's political fund being divided into two accounts, an affiliated fund and

a general fund, rather than a significant increase in the number of members who contribute to political funds.

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 2013 to 31 March 2014. The annual returns recorded 847,759 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. One trade union, USDAW, had amendments approved in this way during the period 1 April 2013 to 31 March 2014.

Political fund complaints

- 7.20 No complaints were received by the Certification Officer relating to political funds of trade unions during the period 1 April 2013 to 31 March 2014.

Elections for Certain Positions

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

The statutory provisions

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

- 8.5 Section 256(2) of the 1992 Act requires the Certification Officer to make provision about the disclosure or otherwise of the identity of an individual who has made, or is proposing to make, any application or complaint. The 1992 Act requires that if the application or complaint relates to a trade union, the individual's identity is to be disclosed to the union unless the Certification Officer thinks the circumstances are such that it should not be disclosed.
- 8.6 The Certification Officer has made provision under section 256 of the 1992 Act to the effect that the identity of an individual who proposes to make an application or complaint will not generally be disclosed to the union, unless or until the application or complaint is accepted. When an application or complaint is accepted, the Certification Officer will generally disclose the individual's identity to the union (and others as the Certification Officer thinks fit) unless it is decided that the circumstances are such that it should not be disclosed. The Certification Officer makes that decision on a case by case basis. Fear of denigration will not of itself normally justify non-disclosure. The provision made by the Certification Officer under section 256 of the 1992 Act is on the Guidance and Forms section of the Certification Officer's website, www.certoffice.org.
- 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 £822.30.
- 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 reporting period 1 April 2013 to 31 March 2014, the Certification Officer determined the three applications that were outstanding from the previous reporting period. These comprised two separate applications against the National Union of Mineworkers and one application against Voice.
- 8.12 In the current reporting period, the Certification Officer received one new application relating to trade union elections, which was made against Unite the Union. This application remains to be determined as of 31 March 2014.
- 8.13 The Certification Officer issued three decisions relating to such elections during the reporting period 1 April 2013 to 31 March 2014. Enforcement Orders were made pursuant to two of these decisions. The applications determined by the Certification Officer were:

- **Mr Thompson v National Union of Mineworkers D/10-14/13-14**
Mr Thompson made five complaints in relation to the elections that were held in 2012 for the positions of the Yorkshire Area Agent/Secretary and National Secretary. Four of these complaints alleged a breach of the union's rules. The Certification Officer upheld one complaint relating to the election of the Yorkshire Area Agent/Secretary and made an enforcement order requiring this delayed election to be held before 18 November 2013. The other four complaints were dismissed.
- **Mr Mace v National Union of Mineworkers (No.2) D/7-9/13-14**
Mr Mace made three complaints in relation to the election that was held in 2012 for the position of National President. The Certification Officer upheld two of the complaints. He made an enforcement order that the current National President should forthwith cease to hold office and that a further election for the position of National President should be held before 18 November 2013. Mr Mace's other complaint was dismissed
- **Mrs Hallam-Black v Voice D/1-3/13-14**
The claimant made three complaints alleging that the union breached: 1) section 48(4) of the 1992 Act by modifying the election address of one of the candidates in the 2012 General Secretary election; 2) section 51(3)(a) of the 1992 Act by not allowing people to vote in that election without interference or constraint; and 3) its rules relating to disciplinary procedures when dealing with Mrs Hallam-Black's complaints about the election. The first and third complaints were upheld by the Certification Officer. The second complaint was dismissed. No enforcement order was made.

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 written reasons for his decision 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 this reporting period, The Certification Officer determined ten of the eleven applications (against eight unions) that were outstanding from the previous reporting period. The remaining application had been stayed pending the outcome of another application before the EAT, which is now concluded. That case is now to be listed.
- 9.9 The Certification Officer received seventeen new applications (against seven unions) relating to alleged breaches of union rule in this reporting period. Three of these applications have been determined. A further case has been remitted to him following an appeal to the EAT.
- 9.10 As of 31 March 2014, sixteen applications remained to be determined.
- 9.11 The Certification Officer determined 28 complaints on 12 applications of breach of rule during the period 1 April 2013 to 31 March 2014. Four declarations were made that a union had breached or threatened to breach its rules and two enforcement orders were issued. In four of the decisions, the Certification Officer used his power under section 256ZA of the 1992 Act to order the complaints to be struck out. Of the complaints determined, the following are noteworthy:-

- **Mr and Mrs Illingworth and Mr Conway v National Union of Teachers D36/13-14**

The claimants made a complaint alleging that the National Union of Teachers had breached its rules relating to disciplinary matters. The Certification Officer dismissed the complaint.

- **Mr Thompson v National Union of Mineworkers D/10-14/13-14**

Mr Thompson made five complaints in relation to the elections that were held in 2012 for the positions of the Yorkshire Area Agent/Secretary and National Secretary. The Certification Officer upheld one complaint relating to the delayed election of the Yorkshire Area Agent/Secretary and made an enforcement order requiring this election to be held before 18 November 2013. The other four complaints were dismissed

- **Mr Mace v National Union of Mineworkers (No. 2) D/7-9/13-14**

Mr Mace made three complaints in relation to the election that was held in 2012 for the position of National President. The Certification Officer upheld two of the complaints. He made an enforcement order that the current National President should forthwith cease to hold office and that a further election for the position of National President should be held before 18 November 2013. Mr Mace's other complaint was dismissed.

- **Mr Williams v Musicians Union D/30/13-14**

The claimant made a complaint alleging the union had breached its rules by not allowing him to hold office as a member of the Regional Committee (East and South East) for the full two year term. The Certification Officer upheld the claimant's complaint but did not consider it appropriate to issue an enforcement order.

9.12 Copies of all decisions made by the Certification Officer are available on the Certification Officer's website: www.certoffice.org. Hard copies of decisions can be obtained free of charge upon request to the Certification Office.

9.13 In the period 1 April 2013 to 31 March 2014, a total of 569 enquiries were received. These fall under the following broad headings:

General advice on the role of the Certification Officer	98
Issues relating to the listing of trade unions and employers' associations	45
Enquiries about Annual Returns and financial issues	98
Certificates of Independence	12
Appointment, election or dismissal from any office in the union	23

Disciplinary proceedings within the union	13
Balloting of union members (other than industrial action)	11
Political funds	23
Statutory elections	15
Inadequate representation of members by their union	67
Others	164
Total	569
9.14	There were 494 enquiries during the previous reporting period, 75 less than the current reporting period.
9.15	Not all enquires made could result in applications to the Certification Officer. For example the Certification Officer has no jurisdiction regarding alleged inadequate representation of members by their union or in relation to the provision of union benefits or membership.

Appendix 1

(see paragraph 1.11)

List of Trade Unions at 31 March 2014

Notes

Italics Denotes a trade union first entered in the list during 1 April 2013 to 31 March 2014.

* Denotes a trade union holding a certificate of independence at 31 March 2014.

(P) Denotes a trade union with a political fund resolution in force at 31 March 2014.

England and Wales

*Accord

*Advance

*Affinity

Alliance for Finance

ASPSU

*Associated Society of Locomotive Engineers and Firemen (P)

*Associated Train Crew Union

*Association for Clinical Biochemistry & Laboratory Medicine, The

*Association of Educational Psychologists

*Association of Local Authority Chief Executives

*Association of 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

BLUECHIP 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

- *IBOA The Finance Union
- *ISU
- *Independent Democratic Union
- *Independent Pilots Association
- Independent Workers Union of Great Britain (IWGB)*
- *Industrial Workers of the World
- Institute of Football Management and Administration
- *Institute of Journalists (Trade Union)

- Leeds Building Society 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 Crime Officers Association
 - National House Building Council Staff Association
- *National Society for Education in Art and Design
- *National Union of Journalists
- *National Union of Mineworkers (P)
 - National Union of Mineworkers (Cokemen’s Area)
- *National Union of Mineworkers (Colliery Officials and Staffs Area)
- *National Union of Mineworkers (Colliery Officials and Staffs Area) (Region No. 4)
 - National Union of Mineworkers (Derbyshire Area)
- *National Union of Mineworkers (Leicester Area)
 - National Union of Mineworkers (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
 - News Union
 - North of England Zoological Society Staff Association
- Palm Paper Staff Association
- *PDA Union
- *POA (P)
 - Pop-up Union*
- *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
- *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
 - United Voices of the World
- *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 2013 to 31 March 2014.
- * Denotes a trade union holding a certificate of independence at 31 March 2014.
- (P) Denotes a trade union with a political fund resolution in force at 31 March 2014.

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
- Scottish Artists Union
- *Scottish Secondary Teachers Association
- *United and Independent Union

Notes

Italics Denotes a trade union first entered in the list during 1 April 2013 to 31 March 2014.

* Denotes a trade union holding a certificate of independence at 31 March 2014.

(P) Denotes a trade union with a political fund resolution in force at 31 March 2014.

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 2014.

Notes

Italics Denotes a trade union first entered in the list during 1 April 2013 to 31 March 2014.

≠ 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

Confederation of Shipbuilding and Engineering Unions

Employees Representatives

Federation of Entertainment Unions

International Transport Workers Federation

National Union of Mineworkers (North East Area)

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 1.11)

List of Employers' Associations at 31 March 2014

England and Wales

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

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

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 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 Employers

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 2014

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

UK Theatre Association

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 paragraphs 2.8 to 2.15)

Decisions on Trade Union Independence during the period 1 April 2013 to 31 March 2014

Certificates of independence issued

Workers of England
PPU

Certificates of independence refused

Boots Pharmacists' Association (BPA)

Certificates of independence withdrawn

None

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

National Federation of Sub-Postmasters
Retired Officers' Association
National Union of Mineworkers (Colliery Officials and Staffs Area) Scottish Region No.8

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

None

Applications in progress

None

Number of Certificates in force as at 31 March 2014

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Appendix 4

Summary of Statistics – Trade Unions, returns received during the period 1 April 2013 to 31 March 2014

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.certooffice.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 2012, the table includes returns from trade unions with year ending dates ranging from October 2012 to September 2013 and therefore due in this Office between 1 April 2013 and 31 March 2014.

Notes to the Summary of Statistics schedule

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

Summary of Statistics – Trade Unions, 2012-2013

(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	1,424,303	151,302	2,067	11,022	164,391
UNISON: The Public Service Union	1,301,500	171,076	235	10,377	181,688
GMB	613,384	60,468	1,699	2,512	64,679
Union of Shop Distributive and Allied Workers	425,652	37,897	1,726	5,446	45,069
Royal College of Nursing of the United Kingdom	415,843	45,835	0	1,034	46,869
National Union of Teachers	388,052	35,404	1,544	4,289	41,237
National Association of Schoolmasters Union of Women Teachers	336,736	29,633	701	2,919	33,253
Public and Commercial Services Union	262,819	29,459	1,805	(1,571)	29,693
Association of Teachers and Lecturers	208,844	15,647	136	490	16,273
Communications Workers Union	201,875	29,777	172	529	30,478
British Medical Association	152,227	43,313	2,305	77,945	123,563
Prospect	118,617	16,779	1,301	196	18,276
University and College Union	115,818	19,046	39	11,259	30,344
Total for above unions with 1000,000 members or more	5,965,670	685,636	13,730	126,447	825,813
Total for 139 other listed unions with less than 100,000 members	1,113,835	181,176	16,232	60,537	257,945
Total for listed unions	7,079,505	866,812	29,962	186,984	1,083,758
Trades Union Congress	53	15,899	3,449	22,803	42,151
Total for 13 other unlisted unions which have submitted returns	6,558	5,487	2,374	37,048	44,909
Total for all unions 2012-2013	7,086,116	888,198	35,785	246,835	1,170,818
Total for all unions 2011-2012	7,197,415	873,109	42,954	229,706	1,145,769

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 £000's (8)	Fixed Assets £000's (9)	Investment Assets £000's (10)	Other Assets £000's (11)	Total Assets £000's (12)	Total Liabilities £000's (13)
183,516	61,069	41,944	114,770	49,120	52,405	216,295	174,351
190,915	111,958	102,731	110,900	7,803	126,570	245,273	142,542
67,166	38,132	35,645	27,272	16,544	21,308	65,124	29,479
48,258	10,805	7,616	9,783	34,020	13,847	57,650	50,034
45,560	6,792	8,101	0	0	19,537	19,537	11,436
38,811	37,805	40,230	19,421	5,815	25,573	50,809	10,579
28,771	26,908	31,390	23,082	12,458	5,084	40,623	9,234
33,542	688	(3,162)	8,886	1,190	4,502	14,578	17,739
17,099	8,477	7,651	5,840	3,318	2,214	11,372	3,721
35,053	22,239	17,665	18,618	4,829	13,374	36,821	19,156
113,334	92,625	102,854	22,606	85,990	38,061	146,657	43,803
23,784	29,509	24,001	15,726	16,725	3,056	35,507	11,506
17,636	995	13,704	15,952	115	8,791	24,857	11,154
843,445	448,002	430,369	392,855	237,927	334,321	965,103	534,734
243,137	355,235	370,043	123,768	256,318	113,869	493,956	123,913
1,086,583	803,237	800,412	516,623	494,246	448,191	1,459,060	658,647
40,657	13,567	15,061	592	9,639	16,310	26,541	11,480
38,696	91,217	97,431	6,311	51,872	55,182	113,365	15,935
1,165,935	908,021	912,904	523,526	555,757	519,683	1,598,966	686,062
1,213,364	973,542	905,947	552,521	514,632	516,147	1,583,300	677,353

Appendix 5

(see paragraph 4.15)

Salary and Benefits of Trade Union General Secretaries

	<i>Title</i> (General Secretary unless otherwise stated)	<i>Salary</i> £	<i>Benefits</i> £
England and Wales			
Accord		116,597 (a)	8,922
Advance		13,451	26,172
Affinity		92,600	29,250
Associated Society of Locomotive Engineers and Firemen		84,460	22,550
Association of Educational Psychologists		62,193	7,463
Association of School and College Leaders		116,972	21,105
Association of Teachers and Lecturers		116,340	22,344
Association of Trade Union Political and Public Sector Staff		100	0
Bakers, Food and Allied Workers' Union		44,601	14,299
Bluechip Staff Association		9,000	0
Boots Pharmacists' Association (BPA), The	Chief Executive Officer		13,008 (b)
Britannia Staff Union		12,243 (c)	0
British Air Line Pilots Association		116,354	24,675
British Association of Colliery Management – Technical Energy and Administrative Management (BACM – TEAM)		78,787	19,052
British Association of Dental Nurses	Chief Executive	45,000	2,844
British Association of Journalists		19,500	0
British Dental Association		75,000	0
British Medical Association	Chairman		126,742 (d) (e)
Broadcasting Entertainment Cinematograph and Theatre Union		65,007	5,179
Chartered Society of Physiotherapy	Chief Executive	99,571	20,910
Communication Workers Union		91,972	0
Community		100,504	13,568
Confederation of Shipbuilding and Engineering Unions		76,105	27,141

Curry's Supply Chain Staff Association (CSCSA)		14,603	1,460
Equity (Incorporating the Variety Artists' Federation)		75,038	24,206
FDA		121,951 (d)	82,665 (d) (f)
Fire Brigades Union		70,030	46,221
Fire Officers' Association	Chief Executive	37,084	1,705
G4S Care and Justice Services Staff Association	Staff Association Officer	32,838	4,859
General Federation of Trade Unions		79,492 (d)	16,993
GMB		94,000	33,000
Guild of Professional Teachers of Dance, Movement to Music and Dramatic Arts		13,390	0
Headmasters' and Headmistresses' Conference		114,170	0
Hospital Consultants and Specialists Association	Chief Executive	67,990	11,137
IBOA The Finance Union		€132,455	€67,511
Independent Democratic Union	National Secretary	50,638	8,650
Independent Pilots Association	Assistant General Secretary	12,287	0
Institute of Football Management & Administration	Secretary	8,500	0
Institute of Journalists (Trade Union)		34,520	2,374
International Transport Workers Federation		112,163	19,500
ISU		6,517	0
Locum Doctors' Association	Chairperson		300 (b)
Musicians Union		102,291	30,120
NAPO – The Trade Union and Professional Association for Family Court and Probation Staff		71,324	11,784
National Association of Colliery Overmen, Deputies and Shotfirers		67,103	16,980
National Association of Co-operative Officials		90,922	18,200
National Association of Head Teachers		117,645	24,048
National Association of NFU Group Secretaries		8,618	0

National Association of Schoolmasters Union of Women Teachers		100,387	28,641
National Association of Stable Staff	Chief Executive	48,838 (d)	0
National Federation of Sub-Postmasters		86,265	17,762
National Society for Education in Art & Design		42,453	0
National Union of Journalists		64,336	11,020
National Union of Mineworkers	National Secretary	62,006 (g)	3,184
National Union of Mineworkers (Cokemen's Area)		31,032	1,328
National Union of Mineworkers (Colliery Officials and Staffs Area) Region No 4		12,240	2,433
National Union of Mineworkers (Derbyshire Area)		38,626	38,380
National Union of Mineworkers (Leicester Area)		36,135	4,341
National Union of Mineworkers (Northumberland Area)		48,245	0
National Union of Mineworkers (South Wales Area)		52,641	0
National Union of Rail, Maritime and Transport Workers		89,805	34,429
National Union of Teachers		103,125	42,236
Nationwide Group Staff Union		113,304	20,372
Nautilus International		84,714	14,207
News Union		53,703	17,649
PDA Union		0	5,000 (b)
POA		77,401	26,612
Prison Service Union		216,723	23,484
Professional Cricketers Association	Chief Executive	125,125 (i)	4,714 (i)
Professional Footballers' Association		1,132,615	34,769
Prospect		107,026	112,009 (j)
Public and Commercial Services Union		91,696	29,435
Retail Book Stationery and Allied Trades Employees Association	President	36,840	9,809
Retained Firefighters Union		45,542	3,960
Royal College of Midwives		114,831 (k)	23,196 (k)
Royal College of Nursing of the United Kingdom		149,169 (l)	0
RSPB Staff Association	Chair	1,200	0
Rugby Players Association		90,360	25,346 (m)

Shield Guarding Staff Association		25,200	465
Society of Authors		87,862	5,969
Society of Chiropodists and Podiatrists	Chief Executive	81,873	6,550
Society of Local Council Clerks	Chief Executive	29,254	4,885
Society of Radiographers	Chief Executive Officer	46,171 (n)	6,294
Solidarity		3,680	1,412
Staff Union West Bromwich Building Society	Chairperson	10,610 (o)	0
Trades Union Congress		103,583	175,884 (p)
Transport Salaried Staffs Association		77,640	5,823
UDW	Treasurer	1,691	
UFS		100,227	36,767
Undeb Cenedlaethol Athrawon Cymru (The National Association of the Teachers of Wales)		46,184	3,901
Union of Construction, Allied Trades and Technicians		74,603	16,824
Union of Democratic Mineworkers		76,484 (q)	30,361 (q)
Union of General & Volunteer Workers		0	524 (b)
Union of Shop Distributive and Allied Workers		93,508	28,495
UNISON: The Public Service Union		93,194	7,502
Unite the Union		100,422	23,335
United Road Transport Union		61,227	24,617
Unity		47,551	29,608
University and College Union		100,630	18,941
Voice		48,026 (d)	1,041 (d)
Welsh Rugby Players Association		45,000	0
Workers of England Union	President	28,638	0
Writers Guild of Great Britain		58,000	5,220
Yorkshire Independent Staff Association		0	918
Scotland			
Aegis the Union		54,727	4,076
Association of Headteachers and Deputies in Scotland		52,940	14,417
Educational Institute of Scotland		85,672	26,113
Independent Federation of Nursing in Scotland		28,476	0

National Union of Mineworkers (Scotland Area)	1,923	113
National Union of Mineworkers (Scottish Area)	23,077	7,692
Professional Footballers Association Scotland Chief Executive	56,778	
Scottish Secondary Teachers Association	74,688	12,635

Notes:

- (a) £10,500 of salary is a bonus payment.
- (b) Honorarium.
- (c) This amount represents part re-imbursement of seconded salaries as agreed with the business.
- (d) Total paid in respect of two people holding office of general secretary (or in the case of the BMA the Chairman of Council) within the period and is not the sum paid to one individual.
- (e) Honoraria and pension allowance payment.
- (f) £39,377 of benefits is in respect of compensation for loss of office of the outgoing general secretary.
- (g) The salary and benefits paid to the National Secretary in the period include amounts paid in respect of the position of NUM (Yorkshire Area) Agent.
- (h) Salary figure includes £112,000 as a termination payment.
- (i) The Chief's Executive's salary and benefits is associated with all aspect of the PCA Group and not just the trade union.
- (j) £88,855 of benefits is in respect of a loss of office pension augmentation payment.
- (k) The General Secretary's salary and benefits are associated with all aspects of the College and not just the trade union.
- (l) Includes payments made in respect of the General Secretary's role as Chief Executive of the RCN Charter Body.
- (m) £15,255 of benefits is a bonus payment.
- (n) Represents 50% of total salary and benefits. The other 50% is reported in the College of Radiographers accounts.
- (o) Secondment fee.
- (p) Benefits figure includes £104,379 as a termination payment.
- (q) £67,528 of salary and £30,361 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 2013 to 31 March 2014

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 2012, the table includes returns from employers’ associations with year ending dates ranging from October 2012 to September 2013 and therefore due in this Office between 1 April 2013 and 31 March 2014.

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, 2012-2013

(see paragraph 4.16)

	GROSS INCOME				GROSS EXPENDITURE
	From Members	From Investments	Other Income	Total Income	
	£000's	£000's	£000's	£000's	£000's
Employers’ Associations with over £2,500,000 total income	(1)	(2)	(3)	(4)	(5)
England and Wales Cricket Board Limited	0	747	111,231	111,978	113,966
London Councils	55,908	(70)	17,260	73,098	68,277
Electrical Contractors Association	4,115	1,209	29,376	34,700	25,091
National Farmers Union	29,545	997	3,760	34,302	29,535
EEF Limited	16,254	2,611	14,284	33,149	32,523
Freight Transport Association Limited	23,478	7	0	23,485	24,360
Building & Engineering Services Association	3,808	456	8,231	12,495	15,231
Association of Colleges	4,997	(38)	6,170	11,130	10,654
Road Haulage Association Limited	3,045	40	4,091	7,175	6,726
Society of London Theatre “SOLT”	458	6	6,103	6,567	6,634
National Pharmacy Association Ltd	4,322	73	1,818	6,214	6,459
Retail Motor Industry Federation Limited	2,986	524	1,475	4,985	4,623
National Federation of Retail Newsagents	4,496	86	287	4,869	4,979
Chemical Industries Association Limited	3,678	10	1,140	4,827	4,636
Builders Merchants Federation Ltd	674	71	3,771	4,516	1,685
British Printing Industries Federation	2,262	30	2,003	4,295	5,007
Federation of Master Builders	4,093	139	0	4,231	4,465
Dairy UK	1,179	12	2,803	3,995	2,296
Electrical Contractors Association of Scotland	1,439	305	1,315	3,060	2,822
NFU Scotland	2,045	49	634	2,728	2,638
Showmen’s Guild of Great Britain, The	836	6	1,742	2,584	2,523
Engineering Construction Industry Association	1,859	108	594	2,561	2,414
Newspaper Society	1,705	61	760	2,527	3,377
Total for above Employers’ Associations	173,181	7,438	218,849	399,469	380,924
Total for 42 other listed Employers’ Associations	15,108	1,879	11,766	28,752	29,139
Total 32 other unlisted Employers’ Associations	11,457	1,081	11,230	23,767	22,539
Total for all Employers’ Associations 2012-2013	199,745	10,398	241,845	451,988	432,602
Total for all Employers’ Associations 2011-2012	205,117	12,045	258,788	475,950	501,392

Notes – see 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 (7) £000's (7)	Fixed Assets £000's (8)	Investments £000's (9)	Other Assets £000's (10)	Total Assets £000's (11)		
36,951	34,963	6,887	35,414	47,507	89,808	54,845	215
(8,298)	(3,477)	1,409	0	19,264	20,674	24,151	35
21,589	31,197	5,415	40,733	16,670	62,818	31,620	2,829
78,831	83,598	18,353	85,305	8,239	111,896	28,299	96,012
45,489	46,115	17,330	32,047	8,394	57,771	11,656	2,099
460	(415)	3,506	0	8,978	12,484	12,899	14,105
4,578	1,842	1,992	1,952	10,653	14,598	12,755	1,311
(2,754)	(2,279)	190	0	11,511	11,701	13,979	386
1,793	2,242	837	100	2,332	3,269	1,028	6,834
415	348	1,839	0	16,311	18,150	17,802	165
5,026	4,780	2,614	5	4,767	7,385	2,605	3,827
18,351	18,713	6,048	13,194	990	20,232	1,519	7,993
5,468	5,358	1,937	1,978	2,273	6,188	830	15,888
1,857	2,048	20	20	7,242	7,283	5,235	109
610	3,440	1,031	0	3,637	4,667	1,227	328
(1,337)	(2,049)	544	0	762	1,306	3,355	2
3,778	3,544	6,874	6	1,812	8,692	5,147	9,540
3,049	4,748	5,052	421	834	6,307	1,559	379
3,908	4,146	3,188	50	1,566	4,804	658	1,242
1,799	1,889	391	1,298	835	2,524	636	8,590
5,455	5,515	3,180	5	2,795	5,980	465	3,865
4,937	5,084	12	984	5,695	6,691	1,607	282
1,794	944	1	2,239	755	2,995	2,052	32
233,747	252,292	88,651	215,751	183,820	488,222	235,931	176,068
36,458	36,072	18,068	33,038	25,072	76,178	40,106	15,741
17,348	18,576	4,318	17,202	14,147	35,667	17,091	9,390
287,554	306,940	111,037	265,991	223,039	600,067	293,128	201,199
311,840	286,398	107,733	257,868	202,325	567,926	281,528	214,460

Appendix 7

(see paragraph 5.4)

Trade Unions Maintaining Members' Superannuation Schemes at 31 March 2014

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 paragraph 6.10)

**No Mergers were completed during the period
1 April 2013 to 31 March 2014**

Appendix 9

Political Funds of Trade Unions, 2012-2013

(see paragraph 7.14)

	Number of Members contributing to the Political Fund (1)	Number of Members not contributing to the Political Fund (2)
Associated Society of Locomotive Engineers and Firemen	16,530	2,696
Association of Revenue and Customs	2,113	343
Bakers Food and Allied Workers Union	20,441	997
Broadcasting Entertainment Cinematograph and Theatre Union	23,135	644
Communication Workers Union	167,585	34,290
Community	25,131	6,392
Educational Institute of Scotland	46,354	8,811
Energy and General Workers Union	0	0
Fire Brigades Union	33,343	7,927
GMB	588,660	24,724
Musicians Union	27,206	3,240
National Association of Colliery Overmen, Deputies and Shotfirers	350	116
National Association of Schoolmasters Union of Woman Teachers	257,375	79,361
National Union of Mineworkers	2,043	767
National Union of Rail Maritime and Transport Workers	70,119	7,430
National Union of Teachers	324,635	63,417
POA	32,295	468
Prospect	91,019	27,598
Public and Commercial Services Union	244,699	18,120
Transport Salaried Staffs Association	20,177	2,585
Union of Construction Allied Trades and Technicians	63,977	20,400
Union of Shop Distributive and Allied Workers	406,099	19,553
UNISON: The Public Service Union	1,213,166 (b)	88,334
Unite the Union	1,015,429	408,874
Unity	3,889	295
University and College Union	95,441	20,377
Total for the 26 unions with political funds which reported in this period	4,791,211	847,759
Total for the 28 unions with political funds which reported in the previous period	4,414,929	1,331,224

Notes:

- (a) The information in the table is derived from annual returns received during 2013-14, the majority which relate to the year ending December 2012.

	Number of Members exempt from contributing to the Political Fund (3)	POLITICAL FUND (a)			
		Income £ (4)	Expenditure £ (5)	Fund at	Fund at End of year £ (7)
				Beginning of	
				Year £ (6)	
	579	123,438	148,173	85,954	61,219
	343	6,330	0	105,577	111,907
	0	79,374	73,959	24,213	29,628
	148	37,284	30,910	8,593	14,967
	23,910	1,663,041	876,336	(112,677)	674,028
	5,987	176,000	254,000	140,000	62,000
	4,216	134,702	14,447	1,713,281	1,833,536
	0	0	1,482	1,482	0
	6,867	276,072	294,653	1,273,050	1,254,469
	24,724	3,194,000	2,701,000	1,013,000	1,506,000
	3,002	86,961	87,463	61,680	61,178
	0	1,820	0	26,550	28,370
	1	201,894	201,411	134,111	134,594
	160	29,881	31,373	98,387	96,834
	281	243,000	244,000	79,000	78,000
	2,295	404,290	479,912	623,136	547,514
	4	53,498	43,538	9,459	19,419
	4,370	98,000	38,000	609,000	669,000
	652	300,310	584,276	305,407	21,441
	1,198	129,274	137,115	155,430	147,589
	12,821	219,000	233,000	183,000	169,000
	19,553	2,086,000	1,949,000	844,000	981,000
	9,593	6,738,000	5,424,000	5,777,000	7,091,000
	53,776	7,612,000	3,762,000	5,489,000	9,339,000
	228	16,398	5,145	74,810	86,063
	17,422	157,292	157,006	8,272	8,558
	192,130	24,067,859	17,772,255	18,730,710	25,026,314
	307,689	21,912,143	17,790,458	14,612,830	18,734,515

(b) The increase in the number of UNISON members contributing to the political fund over the number recorded in preceding years is attributable to the amended way of reporting members of the UNISON general political fund.

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 Certification 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 amalgamation 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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