

Annual  
Report  
of the  
Certification  
Officer

2014-2015



[www.gov.uk/certificationofficer](http://www.gov.uk/certificationofficer)



CERTIFICATION OFFICE  
FOR TRADE UNIONS AND EMPLOYERS' ASSOCIATIONS

**Annual Report  
of the Certification Officer  
2014-2015**

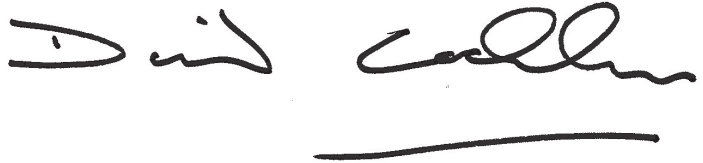
[www.gov.uk/certificationofficer](http://www.gov.uk/certificationofficer)

© Crown Copyright 2015  
First published 2015

The Rt Hon Sajid Javid MP  
Secretary of State for Business, Innovation and Skills  
1 Victoria Street  
London SW1H 0ET

Sir Brendan Barber  
Chair of ACAS  
Advisory, Conciliation and Arbitration Service  
Euston Tower  
286 Euston Road  
London NW1 3JJ

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 2014 to 31 March 2015.

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

DAVID COCKBURN  
*The Certification Officer*  
6 July 2015



# Contents

	Page
Introduction	1
Chapter	
1 Lists of Trade Unions and Employers' Associations	5
Entry in the lists and its significance	5
Unions and employers' associations formed by an amalgamation	6
Trade unions and employers' associations not on the lists (scheduled bodies)	6
Removal from the lists and schedules	6
Additions to the lists and schedules	7
The lists and schedules at 31 March 2015	8
Special register bodies	10
Changes of name of listed trade unions and employers' associations	10
Definition of a trade union	10
Definition of an employers' association	11
2 Trade Union Independence	12
The statutory provisions	12
Criteria	13
Applications, decisions, reviews and appeals	13
3 Annual Returns, Financial Irregularities and Access to Accounting Records	15
The statutory provisions	15
Late submission of returns	17
Prosecution	17
Statement to members	17
Financial affairs of trade unions and employers' associations	
– use of statutory powers	18
Public inspection of annual returns	20
Access to accounting records	20
Applications and complaints received in 2014-2015	21
4 Financial and Membership Information and Membership Register	22
Annual returns received in 2014-2015	22
Trade unions: numbers and membership	22
Membership register	24
Finance	25
Salaries and benefits	25
Employers' associations	26
5 Superannuation Schemes	27
The statutory provisions	27
Schemes maintained	28
Actuarial reports received in 2014-2015	28

6	Mergers	29
	The statutory provisions	29
	Trade unions formed by amalgamation	30
	Guidance	31
	Mergers during the period 2014-2015	31
7	Political Funds	32
	The statutory provisions	32
	<i>General</i>	32
	<i>Exemption from contributing</i>	32
	<i>Complaints</i>	32
	<i>Review Ballots</i>	33
	Guidance on procedures	33
	Organisations with new political fund rules approved for the first time during 2014-2015	33
	Amalgamations of unions already holding a political fund	33
	Political fund resolutions in force	33
	Political fund review ballots	34
	Political fund resolutions lapsed	34
	Political funds of trade unions at 31 March 2015	34
	Political fund membership	35
	Exemption notices	35
	Amendments to rules	35
	Political fund complaints	35
8	Elections for Certain Positions	36
	The statutory provisions	36
	Applications and decisions	38
9	Breach of Trade Union Rule Applications	39
	The statutory provisions	39
	Applications and decisions	40
Appendices		
1	List of trade unions at 31 March 2015	44
	Schedule to Appendix 1	49
2	List of employers' associations at 31 March 2015	50
	Schedule to Appendix 2	52
3	Decisions on trade union independence during the period 1 April 2014 to 31 March 2015	54
4	Summary of statistics – Trade Unions, returns received during the period 1 April 2014 to 31 March 2015	55
5	Salary and benefits of trade union general secretaries	58
6	Summary of statistics – Employers' Associations, returns received during the period 1 April 2014 to 31 March 2015	63
7	Trade unions maintaining members' superannuation schemes at 31 March 2015	66
8	Mergers completed during the period 1 April 2014 to 31 March 2015	67
9	Political Funds of Trade Unions, 2013-2014	68
10	Current statutory fees applicable	70
11	Certification Office Publications	71



# Introduction

This is the thirty-ninth 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 2014 to 31 March 2015.

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, regulations were laid in this reporting period that will bring into effect the further statutory powers that are contained in 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.

The Lobbying Act requires trade unions 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. Certificates will be required by all unions for their first full financial reporting period commencing on or after 6 April 2015.

The Lobbying 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 its duty to cooperate with an investigation by me. Such an order can be enforced as an order of the High Court or Court of Session in Scotland. These powers will come into effect on 1 June 2016.

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 2014-2015 is 7,010,527. This represents a decrease of 75,589 members or 1.07% 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 to 7.9% from 9.1% in the previous year.

Unusually, I report this year an increase in the total number of trade unions. At the end of the previous reporting period there were 162 trade unions. At the end of this reporting period there were 163 trade unions. Whilst four trade unions were removed from the list and schedule, five more were added. Of the four which were removed, three ceased to exist due to a transfer of engagements and one was dissolved.

The number of employers’ associations continues to decrease. At the end of this reporting period there were 93 employers’ associations, a reduction of four from the previous period. Two of them no longer met the statutory definition of an employers’ association, two of them ceased to exist and one was in essence transferred from the list of employers’ associations to

the schedule. The general downward trend in the number of trade unions and employers' associations continues from the position in 1983 when there were 502 trade unions and 375 employers' associations.

Over the past reporting year I determined 57 complaints. Of these, 47 complaints alleged that a union had breached its own rules. The other 10 related to alleged breaches of statute. A summary of these decisions can be found in Chapters 3, 4, 8 and 9 of this report. The decision which attracted the most attention was the application brought by Mr Hicks (D/32-39/14-15) against Unite the Union, which concerned the General Secretary election in 2013. Mr Hicks was the unsuccessful candidate in this election. He made eight complaints, six of which I dismissed. These included complaints that Unite the Union had balloted non-members and had wrongfully included a subscription reminder with some ballot papers. The two complaints that were upheld related to the manner of dealing with members in long-term arrears with their subscriptions and the application of the union's internal disciplinary procedure.

I reported last year that my decisions in relation to the complaints brought by Mr Mace (D/7-9/13-14) and Mr Thompson (D/10-14/13-14) against the National Union of Mineworkers (NUM) had been appealed to the Employment Appeal Tribunal (EAT). Both of these appeals were dismissed by the EAT during this reporting period. Copies of all decisions made by the Certification Officer since 1975 are available on the Certification Office website, [www.gov.uk/certificationofficer](http://www.gov.uk/certificationofficer).

During this reporting period, my website was required to become part of the broader GOV.UK website. It continues to be the primary source for those interested in obtaining information about the work of the Certification Office. Along with each of my decisions and the decisions of my predecessors since 1975, it contains all the annual returns from trade unions and employers association since 2012, with links to The National Archives website for returns from between 2003 and 2012. It also contains guidance on various aspects of my functions, copies or links to my Annual Reports back to 2001-2002 and a list of trade unions and employers' associations known to me. In addition it is possible to sign up on the website for e-mail updates of forthcoming hearings, my decisions and the work of the Certification Office.

This Annual Report relates to those annual returns received from trade unions and employers' associations up to 31 March 2015. These annual returns relate to the periods ending between October 2013 to September 2014 (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 2015 there were seven staff in post in the Certification Office. The net cost of the Office for the year ending 31 March 2014 was £560,232. This represents a 3.7% decrease in the cost of the running of the office and a decrease of 16.5% since the period 2007-2008. My salary as Certification Officer at 31 March 2015 was £74,501 for a three-day week. This sum is pensionable at an additional cost to the public purse of £18,103. 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 32% 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, 16% 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 the maintenance of my lists is a reflection of the increased work associated with applications for listing as a trade union.

In March 2015, the Certification Office's premises in Euston Tower were found to be structurally unsafe, which necessitated my staff having to temporarily relocate to the Department for Business, Innovation and Skills in 1 Victoria Street, London whilst emergency repairs were carried out. I am grateful to my staff for the resilience they have shown in working to their usual high standard in what are challenging circumstances. It is anticipated that we will return to Euston Tower in or about September 2015.

Where it is necessary to hold a hearing to determine a complaint I 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 £2,695. 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.

### **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.gov.uk/certificationofficer](http://www.gov.uk/certificationofficer) or in hard copy format free of charge. They are listed in Appendix 11 and requests for further information on any aspect of the Certification Officer's duties should be made to the Certification Office, 22nd Floor, Euston Tower, 286 Euston Road, London, NW1 3JJ, tel: 020 7210 3734, e-mail: [info@certoffice.org](mailto:info@certoffice.org).

# Lists of Trade Unions and Employers' Associations

*Any trade union or employers' association may apply to have its name included in the public lists maintained by the Certification Officer. This chapter sets out the background to that process. It also gives the numbers on the lists at 31 March 2015 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 employer's association formed by the amalgamation of two or more trade unions or unincorporated employers' association which were already on the list (see paragraph 1.6).
- 1.3 Any organisation aggrieved by the refusal of the Certification Officer to enter its name in the relevant list may appeal on a point of law to the Employment Appeal Tribunal (EAT).
- 1.4 For trade unions, listing is an essential preliminary to any application for a certificate of independence under section 6 of the 1992 Act. There are a number of other advantages of being listed for trade unions and unincorporated employers' associations. It is one of the requirements for obtaining tax relief in respect of expenditure on provident benefits (section 981 of the Corporation Tax Act 2010). There are certain procedural advantages in connection with the devolution of property following a change of trustees (section 13 of the 1992 Act). The fact of being on the relevant list is evidence (in Scotland, sufficient evidence) that the organisation is a trade union or employers' association. The name of a trade union or employers' association is protected by the provision that an organisation shall not be entered in the relevant list if its name so nearly resembles the name of an organisation already on that list as to be likely to deceive the public.

- 1.5 The current lists are available for inspection free of charge at the Certification Office, 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.gov.uk/certificationofficer](http://www.gov.uk/certificationofficer).

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

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

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

- 1.7 As entry on the lists is voluntary, it is difficult to know precisely how many trade unions and employers' associations exist but have not applied to be listed. At the end of this reporting period, the Certification Officer was aware of 13 trade unions and 39 employers' associations which met the statutory definitions but which had not sought to be listed. These are on the schedules to the relevant lists. There may be other organisations which meet the statutory definitions of a trade union or employers' association. The fact that an organisation is not on the relevant list does not exempt it from its statutory responsibilities, including the requirement to make an annual return. The returns from the scheduled bodies are available for inspection in the same way as are those of listed organisations. Those trade unions and employers' associations known to the Certification Office but which have not applied to be included in the relevant lists are set out in the schedules to Appendices 1 and 2 respectively.

### **Removal from the lists and schedules**

- 1.8 If at any time it appears to the Certification Officer that an organisation whose name is entered on the relevant list is not a trade union or an employers' association its name may be removed from the list. The organisation concerned will be given an opportunity to make representations as to why its name should not be removed. There is a right of appeal to the EAT on a point of law against the removal of a name from a list. The Certification Officer must also remove the name of an organisation from the list if 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 four trade unions and five employers' associations removed from the lists and schedules during the period 1 April 2014 to 31 March 2015. An asterisk denotes those which ceased to exist as a result of a merger. The others were dissolved or deemed no longer to meet the statutory definition of a trade union or employers' association.

***Trade Unions***

***England and Wales – Listed***

British Association of Colliery Management Technical Energy &  
Administrative Management (BACM-TEAM)\*  
National Union of Mineworkers (Derbyshire Area)  
SURGE (Skipton Union Representing Group Employees)\*  
Yorkshire Independent Staff Association\*

***England and Wales – Scheduled***

None

***Scotland – Listed***

None

***Scotland – Scheduled***

None

***Employers' Associations***

***England and Wales – Listed***

Newspaper Society  
National Employers Organisation for Local Government Services

***England and Wales – Scheduled***

Covent Garden Tenants Association Limited  
London Fish Merchant Association (Billingsgate) Limited

***Scotland – Listed***

None

***Scotland – Scheduled***

Aberdeen Fish Curers' and Merchants' Association Limited

**Additions to the lists and schedules**

- 1.10 The table below gives the names of the five trade unions added to the list during the period 1 April 2014 to 31 March 2015. One employers' association was added to the schedule during this period.

***Trade Unions***

***England and Wales – Listed***

Artists' Union England  
Driver and General Union  
Equality for Workers Union  
PTSC  
R&C Trade Union

***England and Wales – Scheduled***

None

***Scotland – Listed***

None

***Scotland – Scheduled***

None

***Employers' Associations***

***England and Wales – Listed***

None

***England and Wales – Scheduled***

Improvement and Development Agency

***Scotland – Listed***

None

***Scotland – Scheduled***

None

**The lists and schedules at 31 March 2015**

- 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 2015. They are reproduced as Appendices 1 and 2. The lists comprised 150 trade unions and 54 employers' associations whilst the schedules comprised 13 trade unions and 39 employers' associations.

Changes during the year are summarised in the tables on page 9:



**Listed trade unions and employers' associations**

	<i>On lists at 31 March 2014</i>	<i>Changes between 1 April 2014 and 31 March 2015</i>		<i>On lists at 31 March 2015</i>
		<i>Additions</i>	<i>Removals</i>	
Trade Unions	149	5	4	150
Employers' Associations	56	0	2	54

**Scheduled trade unions and employers' associations**

	<i>On lists at 31 March 2014</i>	<i>Changes between 1 April 2014 and 31 March 2015</i>		<i>On lists at 31 March 2015</i>
		<i>Additions</i>	<i>Removals</i>	
Trade Unions	13	0	0	13
Employers' Associations	41	1	3	39

1.12 As at 31 March 2015 the total number of listed and scheduled trade unions and employers' associations is, therefore, as follows:

	<i>Listed</i>	<i>Scheduled</i>	<i>Totals</i>
Trade Unions	150 (149)	13 (13)	163 (162)
Employers' Associations	54 (56)	39 (41)	93 (97)

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 Chiropractors 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 no trade union or employers' association applied to the Certification Officer to change its name.

## **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”.*

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.gov.uk/certificationofficer](http://www.gov.uk/certificationofficer), and is normally published in the London Gazette and/or the Edinburgh Gazette as appropriate. The Certification Officer must take into account any relevant information submitted by any person and is required to give reasons if a certificate of independence is refused. A union which has been refused a certificate of independence has a right of appeal on a point of law to the Employment Appeal Tribunal (EAT).

2.3 Where two or more trade unions, each with a certificate of independence, amalgamate, a certificate of independence will automatically be issued to the new union when the instrument of amalgamation is registered by the Certification Officer. The newly amalgamated union will, however, have its certificate of independence removed if it does not send certain prescribed information to the

---

<sup>1</sup>In *Squibb UK Staff Association v Certification Officer* ([1979] 2 All ER 452, [1979] IRLR 75, CA), it was held that the word “liable” in this context should be interpreted as implying “vulnerability to interference” rather than “likelihood of interference”.

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

- 2.4 The Certification Officer may withdraw a certificate of independence at any time if he is of the opinion that the trade union concerned is no longer independent. As in the case of a refusal, a trade union aggrieved by a decision to withdraw its certificate has a right of appeal on a point of law to the EAT.
- 2.5 Once the Certification Officer has determined that a trade union is independent and has issued a certificate, that certificate remains valid until it is withdrawn by the Certification Officer or is cancelled. This applies even to certificates issued under legislation in force prior to its consolidation into the 1992 Act.
- 2.6 The 1992 Act provides that, where a question as to the independence of a particular union arises in proceedings before the courts, employment tribunals, Central Arbitration Committee or the EAT and no certificate has been issued or refused, those proceedings may not continue until that question has been decided by the Certification Officer. The granting of a certificate by the Certification Officer, or its refusal, is conclusive evidence for all purposes that the union is or, as the case may be, is not independent. This position was considered by the Court of Appeal during the current reporting period in the case of *Bone v North Essex Partnership NHS Foundation Trust* [2014] IRLR 635. The Court of Appeal held that a certificate of independence was retrospective in its effect for a reasonable period before the date of the certificate.

### **Criteria**

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

### **Applications, decisions, reviews and appeals**

- 2.8 Two applications for certificates of independence were received during the reporting period. The first application was received from the Independent Workers Union of Great Britain (IWGB) on 14 November 2014. The Certification Officer granted it a certificate of independence on 23 January 2015. The second application was received from the National Crime Officers Association on 9 February 2015. A certificate of independence was granted on 4 June 2015, outside this reporting period.

- 2.9 No formal reviews of existing certificates of independence were undertaken during the period.
- 2.10 Three certificates of independence were cancelled because the unions concerned ceased to exist as a result of a merger. These were the certificates held by British Association of Colliery Management Technical Energy & Administrative Management (BACM-TEAM), SURGE (Skipton Union Representing Group Employees) and Yorkshire Independent Staff Association.
- 2.11 On 31 March 2015 there were 102 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 1992 Act such an organisation (unless it has been in existence for less than 12 months) is also required to submit an annual return to the Certification Officer in the form prescribed. The return is to include revenue and other accounts and a balance sheet, which must give a true and fair view of the matters to which they relate. The return must also give details of the salary and other benefits paid to each member of the executive, the president and the general secretary (see paragraphs 4.14 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 1992 Act as "federated" trade unions or employers' associations and are described fully within sections 118 and 135 of the Act. Those federated bodies which are composed of representatives of trade unions or employers' associations are exempt from certain provisions of the Act, including the duty to supply a copy of their rules, to keep accounting records and to submit annual returns. The same does not apply to those federated bodies which are composed of constituent or affiliated organisations.

- 3.4 It is not the responsibility of the Certification Officer to determine whether an organisation is financially viable but to ensure that accounts in the prescribed form covering all funds administered by the organisation are available for public inspection.
- 3.5 The Act requires trade unions and employers' associations to submit before 1 June each year a return of their financial affairs covering the year ending the preceding 31 December. However, the Certification Officer may direct that the return is to relate to a different annual period. This is usually done if the normal timetable would cause serious inconvenience to the organisation concerned.
- 3.6 The annual return must include a copy of the auditor's report on the accounts. Under section 34 of the 1992 Act, a person is qualified to act as auditor of a trade union's or employers' association's accounts if he or she is eligible for appointment as a company auditor under Part 42 of the Companies Act 2006 ("a Companies Act auditor"). Section 37 of the 1992 Act sets out the rights of auditors including access to information and the entitlement to attend and speak at general meetings of the organisation.
- 3.7 A trade union (other than a special register body as described in Chapter 1 of this report, paragraphs 1.13 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 There were no returns received by the Certification Officer during this reporting period containing an audit report in which the auditors gave a qualified opinion as to whether the return gave a true and fair view.
- 3.10 To avoid the duplication of broadly similar financial statements, the Certification Officer allows a special register body (see Chapter 1 of this report, paragraphs 1.13 to 1.16) or an employers' association incorporated under the Companies Acts, to submit with its return, in lieu of the completion of certain pages in the return form, a copy of its accounts prepared under the Companies Acts provided the period covered is the same and there is no significant diminution in the degree of disclosure. In such circumstances, however, and notwithstanding anything in the Companies Acts, an auditor's report for the purposes of the 1992 Act is still required.



- 3.11 With the exceptions already noted, the duties imposed by sections 28, 32 and 131 of the 1992 Act apply to all trade unions and employers' associations, whether or not listed under sections 2 or 123. Refusal or 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 (73%), their financial year coincides with the calendar year and ends on 31 December, but others differ. By 31 March 2015, 98.8% of all due returns had been received including the returns of trade unions representing more than 99.9% of members of those unions which are listed or scheduled. The annual returns of 7.8% 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.gov.uk/certificationofficer](http://www.gov.uk/certificationofficer).

- 3.16 It is not a requirement that the statement to members is distributed individually. As an alternative, section 32A(2)(b) of the 1992 Act provides that unions may use *“any other means... which it is the practice of the union to use when information of general interest to all its members needs to be provided to them.”*
- 3.17 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 1992 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. However, 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* (section 37B(2) of the 1992 Act). 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 Certification Office is of sufficient merit to warrant an approach to the body concerned. Where an approach is warranted, the matter is frequently resolved either through correspondence between the Certification Office and the parties concerned or by means of informal meetings with the body or the individual or a combination of these methods.
- 3.21 At the end of the last reporting year enquiries were in progress concerning three trade unions, the National Association of Schoolmasters Union of Women Teachers (NASUWT), the Union of Democratic Mineworkers (UDM) and the National Union of Mineworkers (NUM). The enquiries into the NASUWT and the UDM were concluded satisfactorily without the Certification Officer finding it necessary to use his statutory powers of investigation.
- 3.22 In respect of the concerns raised about the NUM, enquiries had been suspended during the previous period pending the determination of an appeal to the Employment Appeal Tribunal (EAT) in a case decided by the Certification Officer on related facts. The EAT issued its judgement in February 2015. Following receipt of the judgement the Certification Officer reopened his enquiries. These were continuing at the end of the reporting period.
- 3.23 During this reporting period, fresh concerns about the conduct of financial affairs in the UDM were drawn to the attention of the Certification Officer by the union itself. The Certification Officer initiated enquiries and remained in contact with the union regarding the issues at the end of the period.
- 3.24 Where the Certification Officer concludes his enquiries regarding a possible financial irregularity which has been raised by a union member and decides not to appoint an inspector, he must notify that member of his decision and, if he thinks fit, will also give his reasons. Of the above two cases which concluded with no inspector appointed, both arose from members' concerns.

- 3.25 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**

- 3.26 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.

- 3.27 The annual returns of trade unions and employers' associations submitted in this reporting period are available on the Certification Officer's website, [www.gov.uk/certificationofficer](http://www.gov.uk/certificationofficer).

### **Access to accounting records**

- 3.28 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.

- 3.29 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.

- 3.30 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.

3.31 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 2014-2015**

3.32 In this reporting period the Certification Officer dealt with one complaint outstanding from the previous reporting period, *Beaumont v Unite the Union* (D/1/14-15). This complaint was dismissed upon withdrawal by the claimant, prior to a scheduled hearing, after the Union had provided the records requested.

3.33 Three new complaints of a breach of section 30 of the 1992 Act were received during the reporting period, two against *Unite the Union* and one against the *National Union of Teachers*. One of the complaints against *Unite the Union* was a further complaint raised by *Mr Beaumont*, *Beaumont (3) v Unite the Union* (D/53/14-15). As with the case referred to above, *Mr Beaumont* was provided with the records requested and withdrew his complaint. In the other case involving *Unite the Union*, the Certification Officer adjourned a hearing of the complaint to a date to be fixed based upon an agreement between the parties for there to be a voluntary inspection.

3.34 In *Illingworth v National Union of Teachers* (D/49/14-15) the claimant alleged that the union had failed to comply within 28 days with his request to access accounting records of the union. At the hearing, the parties agreed an amicable settlement. The Certification Officer made a declaration by consent that the *National Union of Teachers* had breached section 30(2)(a) of the 1992 Act but did not make an enforcement order.

3.35 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 are available on the Certification Officer’s website: [www.gov.uk/certificationofficer](http://www.gov.uk/certificationofficer). Hard copies of decisions can be obtained free of charge upon request to the Certification Office.

## Financial and Membership Information and Membership Register

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

### Annual Returns received in 2014-2015

4.1 The information in this chapter is derived from the annual returns received during the reporting period. Statistical information is given at Appendices 4, 5, 6 and 9. That information and the following comments in this chapter relate to those unions whose annual returns were due, and received, in this office between 1 April 2014 and 31 March 2015. 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 2013 and September 2014. However, the majority (73%) of returns are for unions or employers' associations with accounting periods ending 31 December 2013.

4.2 A total of 255 trade unions and employers' associations submitted returns for this period. These were made up as follows:

147	Listed trade unions
13	Scheduled trade unions
56	Listed employers' associations
39	Scheduled employers' associations

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

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

### Trade unions: numbers and membership

4.3 Appendix 4 contains a summary of the statistics concerning the membership and finances of trade unions recorded in annual returns received during 2014-2015. 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 160 listed and scheduled unions. This is six less than reported in the Annual Report for 2013-2014.
- 4.5 The trade unions from which returns were received, recorded a total membership of 7,010,527. The 13 unions with a membership of over 100,000, accounted for 5,902,909 members or 84.2% of the total. Returns received in the period show the distribution of trade union membership by size is as follows:

***Trade unions: distribution by size***

<i>Number of Members</i>	<i>Number of Unions</i>	<i>Membership</i>	<i>Number of Unions</i>		<i>Membership of all Unions</i>	
			<i>Per cent</i>	<i>Cumulative Per cent</i>	<i>Per cent</i>	<i>Cumulative Per cent</i>
Under 100	31	1,164	19.4	19.4	0.0	0.0
100-499	22	6,367	13.8	33.1	0.1	0.1
500-999	17	12,578	10.6	43.8	0.2	0.3
1,000-2,499	24	39,477	15.0	58.8	0.6	0.9
2,500-4,999	12	43,360	7.5	66.3	0.6	1.5
5,000-9,999	12	88,089	7.5	73.8	1.3	2.7
10,000-14,999	2	23,265	1.3	75.0	0.3	3.1
15,000-24,999	12	247,692	7.5	82.5	3.5	6.6
25,000-49,999	11	371,602	6.9	89.4	5.3	11.9
50,000-99,999	4	274,024	2.5	91.9	3.9	15.8
100,000-249,999	6	1,022,421	3.8	95.6	14.6	30.4
250,000 and over	7	4,880,488	4.4	100.0	69.6	100.0
Total	160	7,010,527	100	100	100	100

- 4.6 The trade union membership of 7,010,527 recorded in this annual report compares to 7,086,116 reported in the previous annual report. This indicates a decrease of 75,589 members or 1.07%. The total recorded membership of around 7.0 million compares with a peak of 13.2 million in 1979, a fall of about 47%.
- 4.7 The following table shows the four trade unions whose membership has most increased or decreased since the previous reporting period.

## ***Trade Union: Changes in Membership***

	<i>Total Membership</i>		
	<i>2013-2014</i>	<i>2012-2013</i>	<i>% changes</i>
<b><i>Increases</i></b>			
Union of Construction, Allied Trades and Technicians	86,983	84,377	3.1
Union of Shop Distributive and Allied Workers	433,402	425,652	1.8
Royal College of Nursing of the United Kingdom	421,558	415,843	1.4
GMB	617,064	613,384	0.6
<b><i>Decreases</i></b>			
Public and Commercial Service Union	247,345	262,819	-5.9
Association of Teachers and Lecturers	198,102	208,844	-5.1
UNISON	1,282,560	1,301,500	-1.5
Unite the Union	1,405,071	1,424,303	-1.4

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 92.1% of the total number of members. This compared to 90.9% 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 2014 to 31 March 2015, the Certification Officer determined two such complaints which were brought by Mr Hicks against Unite the Union (Hicks v Unite the Union (D/32-39/14-15)). These complaints arose in the context of the election of the General Secretary of Unite the Union in March/April 2013. The first



complaint concerned an allegation by the claimant that the union breached section 24(1) of the 1992 Act by removing from its register of members 158,824 members who were in arrears of contributions. The Certification Officer dismissed this complaint. The second complaint concerned an allegation that the union had breached section 24(1) of the 1992 Act by failing to secure, so far as reasonably practicable, that entries in the register are accurate and kept up to date. The Certification Officer upheld this complaint.

## **Finance**

- 4.11 Trade union income derives mainly from membership subscriptions and income from investments. There may also be additional income and/or assets arising if, for example, a union accepts the transfer of engagements of another union. The figures given at Appendix 4 include both general and other funds where applicable, e.g. contingency, superannuation and political funds. Additionally, political funds are shown separately in Appendix 9.
- 4.12 From the returns received during this reporting period, the gross income of trade unions was £1,187.16 million, an increase of 1.4% on that recorded by unions in the previous year. Income from members fell by 1.2% to £877.89 million. Income from investments rose by 24.8% and income from other sources rose by 7.2%.
- 4.13 Gross expenditure by unions during this reporting period fell by 11.1% to £1,036.23 million, while at the end of the reporting period total funds (net assets) amounted to £1,063.17 million, an increase of 16.5% over the previous period. This reporting period does not include the period immediately preceding the general election held in May 2015.

## **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; 22% paid between £60,001 and £100,000; 17% paid between £30,001 and £60,000; and 12% paid up to £30,000; while the general secretaries of the remaining 35% did not receive a salary. Seven unions (4%), although paying no salary to their general secretary, did provide an honorarium or other benefits.
- 4.15 Appendix 5 gives information on the salary and benefit payments in respect of each union which makes a payment to its general secretary. There is no requirement to provide such information in relation to other employees, even if they are paid more than the general secretary. Employer's pension contributions make up a significant

proportion of the benefits paid. Employer's national insurance contributions are excluded from the table at Appendix 5.

### **Employers' associations**

- 4.16 A summary of statistics concerning the membership and finances of employers' associations based on returns received within the reporting period is given in Appendix 6. Details are given for each of the 27 employers' associations (including scheduled associations) with total income of more than £2,500,000.
- 4.17 The statistics in Appendix 6 are based on returns from 95 employers' associations received in this reporting year compared with returns from 97 received in the reporting year for 2013-2014.
- 4.18 From the returns received in this period, the figures show the gross income of employers' associations was £463.62 million compared with £451.99 million recorded for the previous year, an increase of 2.6%. Income from members fell by 4.84 million to £194.90 million, a decrease of 2.4%. Income from investments rose from £10.40 million to £14.64 million, an increase of 40.8%. Other income increased from £241.85 million to £254.08 million an increase of 5.1%. During the same period, expenditure fell from £432.60 million to £422.99 million, a decrease of 2.2%.
- 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 £346.01 million, an increase of £39.07 million (12.7%) over the figure reported for the previous period.
- 4.20 Employers' associations are not required by the 1992 Act to provide the Certification Officer with details of officers' salaries and benefits.

## Superannuation Schemes

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

### The statutory provisions

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

---

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

### **Schemes maintained**

- 5.4 At the end of the reporting period there were eight members' superannuation schemes known to the Certification Officer maintained by three trade unions. They are listed in Appendix 7 and are mostly small schemes. At the time of their last actuarial examination, four schemes had assets of over £500,000 and only the scheme of the National Union of Rail Maritime and Transport Workers covered more than 10,000 members.
- 5.5 The Certification Officer may grant exemption from the statutory requirement for actuarial examination on the grounds that a scheme is only applicable to a small number of members or for any other special reasons. There are three schemes which have been granted exemption on these grounds (see Appendix 7). During this reporting year, no application was made for exemption of any of the schemes.

### **Actuarial reports received in 2014-2015**

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

## Mergers

*Mergers between trade unions and between unincorporated employers' associations may be carried out under the relevant statutory procedures. These procedures also allow for members to complain to the Certification Officer about particular aspects of the balloting process. This chapter details the statutory background. During this reporting period, there were three transfer of engagements involving trade unions 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.gov.uk/certificationofficer](http://www.gov.uk/certificationofficer) or on request from this office.

- 6.5 In a transfer of engagements, only the members of the transferring organisation vote on the resolution to approve the instrument of transfer. An amalgamation requires a favourable vote by the members of each of the amalgamating organisations. If the majority of votes recorded in the ballots are in favour of the transfer of engagements or the amalgamation an application to register the instrument may be made to the Certification Officer. Such an application must be preceded by a copy of the scrutineer's report being sent to every member of the union or the members being notified of its contents by other means. If the union takes the second of the above two options, members must also be told that they will, on request, be provided with a copy of the scrutineer's report – either free or subject to a reasonable specified charge. The Certification Officer has power to direct an organisation to publicise its application to register a merger.
- 6.6 In the case of both a transfer and an amalgamation, an interval of six weeks must elapse between the application for registration and registration itself. Before the expiry of the six-week period, any member of the transferring organisation or of any amalgamating organisation may complain to the Certification Officer on the grounds that one or more of the statutory conditions governing the ballot arrangements have not been observed. The Certification Officer shall determine any such complaint and the parties have a right to an oral hearing. If the Certification Officer upholds the complaint, 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, [www.gov.uk/certificationofficer](http://www.gov.uk/certificationofficer), or may be obtained free of charge from the Certification Office. The Office will offer guidance where needed on the statutory provisions and staff are always prepared to meet officials of organisations considering a merger to discuss procedures and timetables.

## **Mergers during the period 2014-2015**

- 6.10 During this reporting period, there were three transfers of engagements involving trade unions. There were no amalgamations.
- 6.11 The three registered transfers of engagements were – British Association of Colliery Management Technical Energy & Administrative Management (BACM-TEAM) which transferred to Prospect, SURGE (Skipton Union Representing Group Employees) which transferred to Aegis the Union and Yorkshire Independent Staff Association which transferred to Aegis the Union. These involved an estimated total of 5,277 members of the transferring unions. Details are given at Appendix 8.
- 6.12 During this reporting period, the members of Unity voted to transfer its engagements to GMB. An application for the registration of the instrument of transfer was received on 2 March 2015. The transfer was registered by the Certification Officer on 16 April 2015, outside this reporting period.
- 6.13 During this reporting period, the Certification Officer approved an instrument of transfer for the Staff Association of the Bank of Baroda to Unite the Union on 16 January 2015. An application for the registration of the instrument was received on 7 May 2015 and the transfer was registered on 19 June 2015, outside this reporting period.
- 6.14 During the period 1 April 2014 to 31 March 2015, the Certification Officer received no complaints relating to any of the transfers of engagements.

## Political Funds

*The Trade Union and Labour Relations (Consolidation) Act 1992 (“the 1992 Act”) enables trade unions and unincorporated employers’ associations to establish separate funds in furtherance of political objectives as part of their aims. Under the terms of the 1992 Act a resolution to adopt the political objects must be passed by a ballot of the members. The Certification Officer is the statutory authority for approving the establishment and continuance of such funds. This chapter explains the statutory provisions and reports developments in the period 1 April 2014 to 31 March 2015.*

### The statutory provisions

#### *General*

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

#### *Exemption from contributing*

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

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

#### *Complaints*

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



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

#### *Review ballots*

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

#### **Guidance on procedures**

- 7.8 On request, the Certification Office gives advice on the procedures for establishing political funds and for holding review ballots. Guidance booklets which include model rules are available on the Certification Officer's website, [www.gov.uk/certificationofficer](http://www.gov.uk/certificationofficer) or on request from the Certification Office. Any trade union or employers' association wishing to ballot its members on a political fund resolution should contact the Office at an early stage.

#### **Organisations with new political fund rules approved for the first time during 2014-2015**

- 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 2015, 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 the reporting period, thirteen trade unions were required by section 73(3) and 73(4) of the 1992 Act to hold a review ballot (see paragraph 7.7). The Musicians Union and the Union of Shop Distributive and Allied Workers chose to conduct their review ballots in the previous reporting period. The results of the ballots they conducted are as follows:

#### *Results of political fund review ballots*

	<i>Yes</i> %	<i>No</i> %
Associated Society of Locomotive Engineers and Firemen	81	19
Bakers Food and Allied Workers Union	92	8
Broadcasting Entertainment Cinematograph and Theatre Union	90	10
Communication Workers Union	87	13
Community	94	6
Fire Brigades Union	84	16
GMB	94	6
Musicians Union	75	25
National Union of Rail Maritime and Transport Workers	97	3
Transport Salaried Staffs Association	89	11
UNISON: The Public Service Union	87	13
Unity	64	36
Union of Shop Distributive and Allied Workers	93	7

### Political fund resolutions lapsed

7.13 During the period no political fund resolutions lapsed.

### Political funds of trade unions at 31 March 2015

7.14 Detailed statistical information about the political funds of trade unions is set out in Appendix 9. The statistics are derived from the 25 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 2013 and September 2014 (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.
- 7.16 Annual returns received during the period 1 April 2014 to 31 March 2015 contain information derived from annual returns with accounting periods which mainly end in December 2013 (see paragraph 4.1). They therefore do not cover the period immediately preceding the general election held in May 2015. The relevant annual returns show the total income of political funds as £23.97 million compared with £24.07 million reported during the period 2013-2014, a decrease of 0.4%. The total expenditure from political funds was £19.89 million compared with £17.77 million in the preceding year, an increase of 11.9%. The returns received within the period also show that the total value of political funds during the reporting period was £29.14 million: up £4.11 million (16.4%) on the £25.03 million reported in 2013-2014.

### **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 4,954,606 compared with 4,791,211 reported in 2013-2014, an increase of 163,395 members or 3.4%.

### **Exemption notices**

- 7.18 Exemption notices (see paragraph 7.3) are obtainable from the organisation concerned or from the Certification Office. The Certification Office supplied five such notices during the period 1 April 2014 to 31 March 2015. The annual returns recorded 619,174 members who belong to unions with a political fund but who do not make a political fund contribution, either because they have claimed exemption or they belong to a category of membership which, under the rules of the union, does not contribute to the political fund.

### **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, the Communication Workers Union, had amendments approved in this way during the period 1 April 2014 to 31 March 2015.

### **Political fund complaints**

- 7.20 During the period 1 April 2014 to 31 March 2015, the Certification Officer received no complaints relating to political funds of trade unions.

## Elections for Certain Positions

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

### The statutory provisions

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

determines an application and makes, or refuses, the declaration sought. All hearings before the Certification Officer are held in public.

- 8.5 Section 256(2) of the 1992 Act requires the Certification Officer to make provision about the disclosure or otherwise of the identity of an individual who has made, or is proposing to make, any application or complaint. The 1992 Act requires that if the application or complaint relates to a trade union, the individual's identity is to be disclosed to the union unless the Certification Officer thinks the circumstances are such that it should not be disclosed.
- 8.6 The Certification Officer has made provision under section 256 of the 1992 Act to the effect that the identity of an individual who proposes to make an application or complaint will not generally be disclosed to the union, unless or until the application or complaint is accepted. When an application or complaint is accepted, the Certification Officer will generally disclose the individual's identity to the union (and others as the Certification Officer thinks fit) unless it is decided that the circumstances are such that it should not be disclosed. The Certification Officer makes that decision on a case by case basis. Fear of denigration will not of itself normally justify non-disclosure. The provision made by the Certification Officer under section 256 of the 1992 Act is on the Guidance and Forms section of the Certification Officer's website, [www.gov.uk/certificationofficer](http://www.gov.uk/certificationofficer).
- 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 £2,695.
- 8.8 Appeals on any question of law arising in proceedings before or arising from a determination by the Certification Officer may be made to the Employment Appeal Tribunal (EAT).
- 8.9 If it is decided that there has been a breach of the statutory provisions, the declaration made by the Certification Officer must state any steps which the union has taken or has agreed to take to remedy the breach or prevent such a breach from occurring in the future.
- 8.10 A person cannot complain to the Certification Officer if he or she has applied to the court in respect of the same matter even if the person subsequently withdraws his or her application to the court. Similarly, once an application has been made to the Certification Officer the claimant may not then apply to the court. Where an application to the Certification Officer is made by a different person alleging the same failures which had been considered and determined by the court, the Certification Officer is required to have due regard to any declaration, order, observations or reasons made or given by the court which are brought to the notice of the Certification Officer.

## **Applications and decisions**

- 8.11 In the period 1 April 2014 to 31 March 2015, the Certification Officer determined an application relating to the position of General Secretary of Unite the Union that was outstanding from the previous reporting period. He also received two new applications relating to elections in the Society of Authors. These two applications were subsequently withdrawn by the claimant and dismissed by the Certification Officer (*Dr Groves v Society of Authors (D/24/14-15)* and *Dr Groves v Society of Authors (No. 2) (D/55/14-15)*).
- 8.12 The application brought against Unite the Union concerned the General Secretary election in 2013. It was brought by the unsuccessful candidate, Mr Hicks. He made eight complaints, six of which were dismissed by the Certification Officer. These included complaints that Unite the Union had balloted non-members and had wrongfully included a subscription reminder with some ballot papers. The two complaints that were upheld related to the manner of dealing with members in long-term arrears with their subscriptions and the application of the union's internal disciplinary procedure (*Hicks v Unite the Union (D/32-39/14-15)*).

## 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 fifteen of the sixteen applications (against six unions) that were outstanding from the previous reporting period. The remaining application was one that had been remitted to the Certification Officer following an appeal to the EAT and was heard on 1 April 2015, outside this reporting period.
- 9.9 The Certification Officer received fourteen new applications (against seven unions) relating to alleged breaches of union rule in this reporting period. Four of these applications were determined in this reporting period.
- 9.10 As of 31 March 2015, eleven applications remained to be determined.
- 9.11 The Certification Officer determined 47 complaints on 19 applications of breach of rule during the period 1 April 2014 to 31 March 2015. Four declarations were made that a union had breached or threatened to breach its rules and three enforcement orders were issued. In two 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 Kelly v Union of Construction, Allied Trades and Technicians (UCATT) (No. 3) (D/21-23/14-15)**  
Mr Kelly made three complaints that the union had breached its rules relating to disciplinary procedures. The Certification Officer dismissed all the complaints.



- **Mr Parsons v National Union of Teachers (NUT) (D/28-31/14-15)**  
Mr Parsons made four complaints alleging that the union had breached its rules in relation to its internal disciplinary procedure. The Certification Officer dismissed the first three complaints but upheld the fourth complaint. He made an enforcement order that the charges against Mr Parsons that had been upheld by the union, and the sanctions subsequently applied against him, were to be set aside and of no effect.
- **Mr Hicks v Unite the Union (D/32-39/14-15)**  
Mr Hicks brought eight complaints against Unite the Union, arising from the General Secretary election in 2013. Four of these complaints were in relation to Unite having allegedly breached its rules and four alleged a breach of statute. Six of the complaints were dismissed. The two complaints that were upheld related to the manner of dealing with members in long-term arrears with their subscriptions and the application of the union's internal disciplinary procedure.
- **Mr Conway v National Union of Teachers (NUT) (D/40-42/14-15)**  
Mr Conway made three complaints alleging that the union had breached its rules in relation to its internal disciplinary procedure. The Certification Officer dismissed two of the complaints upon withdrawal by Mr Conway and dismissed the third complaint.
- **Mr Sweeney v Union of Construction, Allied Trades and Technicians (UCATT) (D/43-48/14-15)**  
Mr Sweeney was expelled from the union for a period of fifteen years. He made six complaints alleging that the union had breached its rules in relation to its internal disciplinary procedure. The Certification Officer upheld the complaint in relation to Mr Sweeney's appeal against expulsion not having been convened within the required time limit but dismissed the five other complaints. The Certification Officer made an enforcement order that the determination of the appeal panel be set aside and that Mr Sweeney's appeal be re-heard within two months of the date of his decision.
- **Mr Singh v Unite the Union (D/54/14-15)**  
Mr Singh alleged that Unite the Union breached its rules in relation to his alleged removal from office. The Certification Officer dismissed the complaint.

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

9.13 In the period 1 April 2014 to 31 March 2015, a total of 542 enquiries were received. These fall under the following broad headings:

General advice on the role of the Certification Officer	42
Issues relating to the listing of trade unions and employers' associations	96
Enquiries about annual returns and financial issues	201
Certificates of independence	20
Appointment, election or dismissal from any office in the union	11
Disciplinary proceedings within the union	12
Balloting of union members (other than industrial action)	7
Political funds	22
Statutory elections	4
Inadequate representation of members by their union	73
Others	54
Total	542

9.14 There were 569 enquiries during the previous reporting period, 27 more 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.

# Appendices

# Appendix 1

(see paragraph 1.11)

## List of Trade Unions at 31 March 2015

### Notes:

*Italics* Denotes a trade union first entered in the list during 1 April 2014 to 31 March 2015.

\* Denotes a trade union holding a certificate of independence at 31 March 2015.

(P) Denotes a trade union with a political fund resolution in force at 31 March 2015.

### England and Wales

- \* Accord
- \* Advance
- \* Affinity
  - Alliance for Finance
  - Artists' Union England*
  - ASPSU
- \* Associated Society of Locomotive Engineers and Firemen (P)
- \* Associated Train Crew Union
- \* Association for Clinical Biochemistry & Laboratory Medicine, The
- \* Association of Educational Psychologists
- \* Association of Local Authority Chief Executives
- \* Association of 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 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)

*Driver and General Union*

- \* Ellington Branch of the North East Area of the National Union of Mineworkers  
Employees General Union  
Employees United  
*Equality for Workers Union (EFWU)*
- \* 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 (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)
- PTSC*
- \* Public and Commercial Services Union (P)
  
- R&C Trade Union*
- \* Retail Book Stationery and Allied Trades Employees Association
- \* Retained Firefighters Union
- \* Royal College of Midwives
- \* Royal College of Nursing of the United Kingdom
- RSPB Staff Association
- Rugby Players Association

- \* Sales Staff Association
- Shield Guarding Staff Association
- \* SKYSHARE
- \* Social Workers Union (SWU)
- \* Society of Authors
- \* Society of Chiropractors and Podiatrists
- \* Society of Radiographers
- \* Society of Union Employees (UNISON)
- \* Staff Association of Bank of Baroda (UK Region)
- \* Staff Union West Bromwich Building Society
  
- \* 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

**Notes:**

*Italics* Denotes a trade union first entered in the list during 1 April 2014 to 31 March 2015.

\* Denotes a trade union holding a certificate of independence at 31 March 2015.

(P) Denotes a trade union with a political fund resolution in force at 31 March 2015.

## 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  
Solidarity
  
- \* United and Independent Union

**Notes:**

*Italics* Denotes a trade union first entered in the list during 1 April 2014 to 31 March 2015.

\* Denotes a trade union holding a certificate of independence at 31 March 2015.

(P) Denotes a trade union with a political fund resolution in force at 31 March 2015.



# 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 2015.**

**Notes:**

*Italics* Denotes a trade union first entered in the schedule during 1 April 2014 to 31 March 2015.

(≠) 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 2015

### 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 Farmers Union  
National Federation of Retail Newsagents  
National Hairdressers Federation Ltd  
National Trainers Federation  
North East Regional Employers Organisation for Local Authorities  
North Western Local Authorities Employers Organisation

Producers Alliance for Cinema and Television

Retail Motor Industry Federation Ltd

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

Thermal Insulation Contractors Association

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 2015.**

## 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

Dairy UK

East Midlands Councils

Fencing Contractors Association  
Freight Transport Association

Incorporated Guild of Hairdressers Wigmakers and Perfumers  
Improvement and Development Agency<sup>1</sup>

London Association of Funeral Directors

Master Carvers Association  
Metal Packaging Manufacturers Association

---

<sup>1</sup>In essence was previously on the list as the National Employers Organisation for Local Government Services.

National Federation of Roofing Contractors Ltd

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

Society of London Theatre “SOLT”  
South West Councils

UK Theatre Association

Universities and Colleges Employers Association

**Scotland**

Angus and Kincardine Master Plumbers Association

British Packaging Association  
Banff and Moray Master Plumbers Association

Fife and Kinross Master Plumbers Association

Inverness and Northern District Master Plumbers Association

Lanarkshire Master Plumbers Association

Perth and District Master Plumbers Association

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

# Appendix 3

(see paragraphs 2.8 to 2.11)

## Decisions on Trade Union Independence during the period 1 April 2014 to 31 March 2015

### **Certificates of independence issued**

Independent Workers Union of Great Britain (IWGB)

### **Certificates of independence refused**

None

### **Certificates of independence withdrawn**

None

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

None

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

British Association of Colliery Management Technical Energy & Administrative Management (BACM-TEAM)

SURGE (Skipton Union Representing Group Employees)

Yorkshire Independent Staff Association

### **Applications in progress**

National Crime Officers Association

### **Number of Certificates in force as at 31 March 2015**

102

## Appendix 4

### Summary of Statistics – Trade Unions, returns received during the period 1 April 2014 to 31 March 2015

The annual returns completed by trade unions for the Certification Officer require the accounts to be shown in a particular way. The figures used in this Appendix are taken from the summary sheets of these annual returns and provide a simple analysis of each union's financial affairs for the year. Individual annual returns are available on the website [www.gov.uk/certificationofficer](http://www.gov.uk/certificationofficer) or copies can be obtained from the Certification Office.

The information in the table relates to returns received during the reporting period. Although a large proportion of these returns are for the year ending 31 December 2013, the table includes returns from trade unions with year ending dates ranging from October 2013 to September 2014 and therefore due in this Office between 1 April 2014 and 31 March 2015.

#### 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, 2013-2014

(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	1,405,071	151,136	2,856	13,224	167,216
UNISON: The Public Service Union	1,282,560	169,299	298	7,519	177,116
GMB	617,064	61,734	1,746	3,344	66,824
Union of Shop Distributive and Allied Workers	433,402	38,309	9,955	4,874	53,138
Royal College of Nursing of the United Kingdom	421,558	33,261	0	1,019	34,280
National Union of Teachers	387,610	35,731	1,729	3,740	41,200
National Association of Schoolmasters Union of Women Teachers	333,223	28,951	724	2,385	32,060
Public and Commercial Services Union	247,345	28,637	2,281	12,855	43,773
Communication Workers Union	201,729	30,802	163	1,268	32,233
Association of Teachers and Lecturers	198,102	16,374	160	3,641	20,175
British Medical Association	153,321	44,828	2,020	83,321	130,169
Prospect	115,636	16,607	1,088	194	17,889
University and College Union	106,288	20,264	19	968	21,251
<b>Total for above unions with 1000,000 members or more</b>	<b>5,902,909</b>	<b>675,933</b>	<b>23,039</b>	<b>138,352</b>	<b>837,324</b>
Total for 134 other listed unions with less than 100,000 members	1,101,390	180,983	16,682	61,260	258,925
Total for listed unions	7,004,299	856,916	39,721	199,612	1,096,249
Trades Union Congress	54	15,339	3,741	22,544	41,624
Total for 12 other unlisted unions which have submitted returns	6,174	5,632	1,206	42,451	49,289
<b>Total for all unions 2013-2014</b>	<b>7,010,527</b>	<b>877,887</b>	<b>44,668</b>	<b>264,608</b>	<b>1,187,162</b>
Total for all unions 2012-2013	7,086,116	888,198	35,785	246,835	1,170,818

Notes – see previous page



## Appendix 4

GROSS EXPENDITURE	TOTAL FUNDS		GROSS ASSETS				
Total Expenditure (c) £000's (6)	Beginning of the Year (d) £000's (7)	End of the Year (e) £000's (8)	Fixed Assets (f) £000's (9)	Investment Assets (g) £000's (10)	Other Assets (h) £000's (11)	Total Assets (i) £000's (12)	Total Liabilities (j) £000's (13)
131,149	41,944	78,011	118,059	51,384	56,765	226,208	148,197
155,040	102,731	124,807	106,516	7,702	127,224	241,442	116,635
56,011	35,645	46,458	29,786	17,382	22,728	69,896	23,438
42,683	7,616	18,071	8,673	40,210	14,752	63,635	45,564
29,745	8,101	12,636	0	0	22,425	22,425	9,789
38,552	40,230	42,878	21,166	7,192	25,799	54,157	11,279
32,075	31,390	31,375	22,473	13,013	6,590	42,076	10,701
28,142	(3,162)	12,469	13,254	1,225	4,862	19,341	6,872
31,222	17,867	18,878	18,153	5,303	15,372	38,828	19,950
17,967	7,651	9,859	3,935	3,322	6,403	13,660	3,801
118,057	102,854	114,966	16,186	96,829	44,753	157,768	42,802
15,135	24,001	26,755	15,455	17,554	3,182	36,191	9,436
16,719	13,704	18,236	15,736	115	12,557	28,408	10,172
<b>712,497</b>	<b>430,572</b>	<b>555,399</b>	<b>389,392</b>	<b>261,231</b>	<b>363,412</b>	<b>1,014,035</b>	<b>458,636</b>
248,039	369,137	380,023	124,823	263,443	114,706	502,972	122,949
960,536	799,709	935,422	514,215	524,674	478,118	1,517,007	581,585
37,297	15,061	19,388	456	12,236	12,343	25,035	5,647
38,394	97,466	108,361	9,209	72,908	44,137	126,254	17,893
<b>1,036,227</b>	<b>912,236</b>	<b>1,063,171</b>	<b>523,880</b>	<b>609,818</b>	<b>534,598</b>	<b>1,668,296</b>	<b>605,125</b>
1,165,935	908,021	912,904	523,527	555,756	519,683	1,598,966	686,062

# 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> £
<b>England and Wales</b>			
Accord		115,500 (a)	11,624
Advance		13,651	3,063
Affinity		99,400	29,250
Associated Society of Locomotive Engineers and Firemen		87,264	21,118
Association of Educational Psychologists		63,152	7,528
Association of School and College Leaders		123,132	21,914
Association of Teachers and Lecturers		119,249	22,069
Association of Trade Union Political and Public Sector Staff		100	0
Bakers, Food and Allied Workers' Union		45,231	13,985
Bluechip Staff Association		14,983	0
Boots Pharmacists' Association (BPA), The	Chief Executive Officer		13,260 (b)
Britannia Staff Union		23,916 (c)	0
British Air Line Pilots Association		118,354	25,452
British Association of Colliery Management – Technical Energy and Administrative Management (BACM – TEAM)		80,995	16,981
British Association of Dental Nurses	Chief Executive	45,000	2,833
British Association of Journalists	General Secretary & Acting General Secretary	19,000 (d)	0
British Dental Association		47,077	0
British Medical Association	Chairman	30,000	0
Broadcasting Entertainment Cinematograph and Theatre Union		66,307	5,283
Chartered Society of Physiotherapy	Chief Executive	101,684	18,976
Communication Workers Union		92,481	0

Community		105,368	353,358 (e)
Confederation of Shipbuilding and Engineering Unions		76,105	24,873
Curry's Supply Chain Staff Association (CSCSA)		26,652	5,146
Equity (Incorporating the Variety Artists' Federation)		76,622	26,584
FDA		88,316	28,492
Fire Brigades Union		70,964	52,417
Fire Officers' Association	Chief Executive	37,010	1,607
G4S Care and Justice Services Staff Association	Staff Association Officer	33,577	8,257
General Federation of Trade Unions		65,694	17,250
GMB		96,000	27,000
Guild of Professional Teachers of Dance, Movement to Music and Dramatic Arts		13,390	0
Headmasters' and Headmistresses' Conference		106,454	16,342
Hospital Consultants and Specialists Association	Chief Executive	77,900	7,439
IBOA The Finance Union		€139,354	€71,294
Independent Democratic Union	National Secretary	52,305	10,030
Independent Pilots Association	General Secretary	36,180	0
Institute of Football Management & Administration	Secretary		8,500
Institute of Journalists (Trade Union)		34,975	2,605
International Transport Workers Federation		114,960 (d)	22,001 (d)
ISU		11,382	0
Locum Doctors' Association	Chairperson		300 (b)
Musicians Union		109,866	31,365
NAPO – The Trade Union and Professional Association for Family Court and Probation Staff		151,236 (d)	32,489 (d)
National Association of Colliery Overmen, Deputies and Shottfirers		53,707	15,027
NACODS (South Wales)		30,000 (f)	249,482 (f)
National Association of Co-operative Officials		93,196	18,205
National Association of Head Teachers		117,645	24,285
National Association of NFU Group Secretaries			5,367 (b)

National Association of Schoolmasters			
Union of Women Teachers		100,030	30,575
National Association of Stable Staff	Chief Executive	49,450	2,472
National Society for Education in Art & Design		43,740	0
National Union of Journalists		64,389	8,073
National Union of Mineworkers	National Secretary	63,866	3,266
National Union of Mineworkers (Cokemen's Area)			1,118
National Union of Mineworkers (Colliery Officials and Staffs Area) Region No 4		12,240	2,499
National Union of Mineworkers (Derbyshire Area)		40,486	38,380
National Union of Mineworkers (Leicester Area)		34,583	5,559
National Union of Mineworkers (Northumberland Area)		51,169	0
National Union of Mineworkers (South Wales Area)		52,642	8,000
National Union of Rail, Maritime and Transport Workers		92,344	35,585
National Union of Teachers		104,360	42,736
Nationwide Group Staff Union		116,136	21,634
Nautilus International		86,723	14,830
News Union		55,349	11,315
PDA Union		0	5,000 (b)
POA		74,376	27,518
Professional Cricketers Association	Chief Executive	154,000 (g)	5,315 (g)
Professional Footballers' Association		2,932,615	31,626
Prospect		106,626	23,963
Public and Commercial Services Union		92,094	29,592
Retail Book Stationery and Allied Trades Employees Association	President	38,638	10,679
Retained Firefighters Union		45,542	3,960
Retired Officers Association			600 (b)
Royal College of Midwives		115,981 (h)	23,428 (h)
Royal College of Nursing of the United Kingdom		111,887 (i)	0
RSPB Staff Association	Chair	1,200	0
Rugby Players Association		95,760	26,832 (j)
Social Workers Union		10,000	0
Society of Authors		90,275	6,166
Society of Chiropractors and Podiatrists	Chief Executive	83,635	6,691

Society of Local Council Clerks	Chief Executive	57,881	9,874
Society of Radiographers	Chief Executive Officer	50,216 (k)	7,144
Solidarity		1,880	3,225
Staff Union West Bromwich Building Society	Chairperson		8,194 (l)
Trades Union Congress		106,333	36,874
Transport Salaried Staffs Association		79,582	16,314
UFS		76,425	16,574
Undeb Cenedlaethol Athrawon Cymru (The National Association of the Teachers of Wales)		46,646	4,135
Union of Construction, Allied Trades and Technicians		78,492	28,312
Union of Democratic Mineworkers		75,629 (m)	23,159 (m)
Union of General & Volunteer Workers		0	554 (b)
Union of Shop Distributive and Allied Workers		94,514	31,795
UNISON: The Public Service Union		95,223	7,795
Unite the Union		103,323	25,292
United Road Transport Union		61,227	24,634
Unity		49,015	35,542
University and College Union		100,993	19,156
Voice		57,501	717
Welsh Rugby Players Association		80,000	0
Workers of England Union	President	36,051	0
Writers Guild of Great Britain		58,580	5,220
Yorkshire Independent Staff Association		0	2,854

## Scotland

Aegis the Union	68,397	10,282
Association of Headteachers and Deputes in Scotland	53,735	15,490
Educational Institute of Scotland	89,719	27,345
Independent Federation of Nursing in Scotland	28,833	0
National Union of Mineworkers (Scotland Area)	26,538	1,362
Professional Footballers Association Scotland Chief Executive	56,766	
Scottish Secondary Teachers Association	65,925	22,129

### Notes:

- (a) £8,146 of salary is a bonus payment.
- (b) Honorarium.
- (c) This amount includes part re-imburement of seconded salaries as agreed with the business.
- (d) Total paid in respect of two people holding office of general secretary within the period and is not the sum paid to one individual.
- (e) This amount includes a termination payment of £318,814 paid to the General Secretary.
- (f) Benefits of £249,482 pension contributions paid to the General Secretary.
- (g) The Chief's Executive's salary and benefits is associated with all aspects of the PCA Group and not just with respect to the trade union.
- (h) The General Secretary's salary and benefits are associated with all aspects of the College and not just the trade union.
- (i) This includes payment of £72,000 made in respect of the RCN Charter Body, which accounts for around 64% of the RCN's normal activity.
- (j) £16,950 of benefits is a bonus payment.
- (k) Represents 50% of total salary and benefits. The other 50% is reported in the College of Radiographers accounts.
- (l) Secondment fee.
- (m) £66,973 of salary and £23,159 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 2014 to 31 March 2015

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 2013, the table includes returns from employers’ associations with year ending dates ranging from October 2013 to September 2014 and therefore due in this Office between 1 April 2014 and 31 March 2015.

#### 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, 2013-2014

(see paragraph 4.17)

	GROSS INCOME				GROSS EXPENDITURE (b) £000’s
	From Members	From Investments	Other Income	Total Income	
	£000’s (1)	£000’s (2)	£000’s (3)	£000’s (4)	
Employers’ Associations with over £2,500,000 total income					
England and Wales Cricket Board Limited	0	602	123,294	123,896	114,850
London Councils	51,595	(472)	19,724	70,847	72,015
National Farmers Union	30,206	1,586	6,150	37,942	29,067
EEF Limited	15,967	6,058	14,460	36,485	33,682
Freight Transport Association Limited	23,845	3	0	23,848	22,544
Electrical Contractors Association	3,675	677	17,557	21,909	17,117
Building & Engineering Services Association	3,736	156	7,831	11,723	12,619
Association of Colleges	5,049	(58)	5,037	10,028	11,776
Road Haulage Association Limited	3,253	35	4,872	8,160	7,759
East of England Local Government Association	652	22	7,262	7,936	2,797
National Pharmacy Association Ltd	3,428	1,370	1,724	6,522	5,846
Society of London Theatre “SOLT”	470	8	6,025	6,503	6,322
National Federation of Retail Newsagents	4,378	53	744	5,175	4,796
Chemical Industries Association Limited	3,706	11	1,378	5,095	4,891
Retail Motor Industry Federation Limited	2,988	448	1,414	4,850	4,630
British Amusement Catering Trades Association	496	528	3,498	4,522	1,634
Federation of Master Builders	3,679	7	231	3,917	4,605
Newspaper Society	1,500	150	1,926	3,576	2,697
British Printing Industries Federation	2,241	8	1,327	3,576	3,535
Electrical Contractors Association of Scotland	1,410	207	1,310	2,927	2,465
British Allied Trade Federation	1,218	330	1,307	2,855	2,046
West Midlands Employers	789	0	2,062	2,851	1,249
Producers Alliance For Cinema and Television Limited	2,006	25	802	2,833	2,713
NFU Scotland	2,043	61	640	2,744	2,661
Engineering Construction Industry Association	1,915	82	707	2,704	2,538
Showmen’s Guild of Great Britain, The	831	4	1,839	2,674	2,446
Dairy UK	937	670	999	2,606	2,343
<b>Total for above Employers’ Associations</b>	<b>172,013</b>	<b>12,571</b>	<b>234,120</b>	<b>418,704</b>	<b>381,643</b>
Total for 36 other listed Employers’ Associations	12,398	1,165	8,736	22,299	19,713
Total 32 other unlisted Employers’ Associations	10,490	906	11,223	22,619	21,629
<b>Total for all Employers’ Associations 2013-2014</b>	<b>194,901</b>	<b>14,642</b>	<b>254,079</b>	<b>463,622</b>	<b>422,985</b>
Total for all Employers’ Associations 2012-2013	199,745	10,398	241,845	451,988	432,602

See Notes on previous page



## Appendix 6

TOTAL FUNDS		GROSS ASSETS				Total Liabilities	Number of Members
Beginning of the Year (c)	End of the Year	Fixed Assets	Investments	Other Assets	Total Assets		
£000's (6)	£000's (7)	£000's (8)	£000's (9)	£000's (10)	£000's (11)	£000's (12)	(13)
34,963 (3,477)	44,009 (4,645)	5,298 1,134	37,306 0	38,245 22,582	80,849 23,716	36,840 28,361	222 35
83,598	92,473	17,137	92,178	11,288	120,603	28,130	93,412
46,115 (415)	48,918 889	19,386 3,209	32,575 0	9,888 7,123	61,849 10,332	12,931 9,443	2,017 14,245
31,197	35,989	5,148	39,302	20,139	64,589	28,600	2,761
1,842 (2,279)	947 (4,027)	1,877 315	1,154 0	9,202 8,180	12,233 8,495	11,286 12,522	1,132 351
2,242 (5,358)	2,643 (219)	1,362 1	100 517	2,334 4,509	3,796 5,027	1,153 5,246	6,644 52
4,780 348	5,456 529	3,987 1,787	5 0	3,956 16,504	7,948 18,291	2,492 17,762	3,673 173
5,357	5,736	2,021	2,178	2,214	6,413	677	15,559
2,048	2,252	13	20	7,035	7,068	4,816	101
18,713	18,933	5,934	13,599	853	20,386	1,453	8,231
13,602	16,490	5,010	28,037	958	34,005	17,515	443
3,035	2,347	6,957	6	1,382	8,345	5,998	9,082
1,589	2,468	8	3,785	490	4,283	1,815	33
2,049	2,090	489	0	887	1,376	(714)	2
4,146	4,608	3,097	50	1,954	5,101	493	1,229
10,164 (6,141)	10,973 (4,539)	573 0	10,316 0	614 1,591	11,503 1,591	530 6,130	2,381 41
2,059	2,179	45	1	3,146	3,192	1,013	431
1,889	1,972	445	1,342	784	2,571	599	8,489
5,084	5,250	32	1,132	5,692	6,856	1,606	286
5,515	5,743	3,180	6	2,964	6,150	407	3,794
4,748	5,011	5,256	487	533	6,276	1,265	333
<b>267,413</b>	<b>304,475</b>	<b>93,701</b>	<b>264,096</b>	<b>185,047</b>	<b>542,844</b>	<b>238,369</b>	<b>175,152</b>
29,574	32,160	16,867	5,289	20,072	42,228	10,068	13,609
8,384	9,374	3,741	7,085	13,842	24,668	15,294	6,725
<b>305,371</b>	<b>346,009</b>	<b>114,309</b>	<b>276,470</b>	<b>218,961</b>	<b>609,740</b>	<b>263,731</b>	<b>195,486</b>
287,554	306,940	111,037	265,991	223,039	600,067	293,128	201,199

# Appendix 7

(see paragraph 5.4)

## Trade Unions Maintaining Members' Superannuation Schemes at 31 March 2015

**Notes:**

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

GMB (BMS Section Members' Superannuation Fund)

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

Unite the Union: (6 schemes listed below)

AEEU Section Superannuation Scheme

British Aerospace Senior Staff Association Superannuation Fund

Litho Printers' Section Superannuation Fund

Plate Preparers' Section Superannuation Fund\*

Sheet Metal Workers Superannuation Fund\*

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

# Appendix 8

(see paragraphs 6.10 to 6.14)

## Mergers completed during the period 1 April 2014 to 31 March 2015

### Trade Union Transfers of Engagement

<i>Engagements transferred from</i>	<i>To</i>	<i>Transfer registered on</i>
SURGE (Skipton Union Representing Group Employees)	Aegis	11 June 2014
British Association of Colliery Management Technical Energy & Administrative Management (BACM-TEAM)	Prospect	3 November 2014
Yorkshire Independent Staff Association to Aegis the Union	Aegis	21 November 2014

### Trade Union: Amalgamations

None

### Employers' Association: Transfers of Engagement

None

### Employers' Association: Amalgamations

None

# Appendix 9

## Political Funds of Trade Unions, 2013-2014

(See Paragraph 7.14)

	Number of Members contributing to the Political Fund	Number of Members not contributing to the Political Fund
	(1)	(2)
Associated Society of Locomotive Engineers and Firemen	16,806	2,751
Association of Revenue and Customs	2,089	379
Bakers Food and Allied Workers Union	19,569	927
Broadcasting Entertainment Cinematograph and Theatre Union	22,787	619
Communication Workers Union	168,186	33,543
Community	24,091	2,678
Educational Institute of Scotland	44,869	9,711
Fire Brigades Union	32,624	7,359
GMB	593,276	23,788
Musicians Union	26,538	4,180
National Association of Colliery Deputies and Shotfirers	231	235
National Association of Schoolmasters Union of Woman Teachers	256,318	76,905
National Union of Mineworkers	1,476	83
National Union of Rail Maritime and Transport Workers	71,668	8,437
National Union of Teachers	328,670	58,940
POA	30,662	468
Prospect	102,597	13,039
Public and Commercial Services Union	233,345	14,000
Transport Salaried Staffs Association	20,432	1,294
Union of Construction, Allied Trades and Technicians	66,211	20,772
Union of Shop Distributive and Allied Workers	413,584	19,818
UNISON: The Public Service Union	1,193,255	89,305
Unite the Union	1,187,023	218,048
Unity	3,631	275
University and College Union	94,668	11,620
<b>Total for the 25 unions with political funds which reported in this period</b>	<b>4,954,606</b>	<b>619,174</b>
Total for the 26 unions with political funds which reported in the previous period	4,791,211	847,759

Notes:

- (a) The information in the table is derived from annual returns received during 2014-2015, most of which relate to the year ending December 2013.

**POLITICAL FUND (a)**

Number of Members exempt from contributing to the Political Fund  (3)	Income £  (4)	Expenditure £  (5)	Fund at Beginning of Year £  (6)	Fund at End of year £  (7)
585	130,103	138,717	61,219	52,605
0	5,949	877	111,907	116,979
0	78,739	79,923	29,628	28,444
146	36,601	27,746	14,967	23,822
23,288	1,728,523	907,879	707,247	1,527,891
2,273	194,000	241,000	62,000	15,000
6,259	132,616	21,706	1,833,536	1,944,446
6,339	265,941	378,740	1,254,469	1,141,670
23,788	3,200,000	2,842,000	1,506,000	1,864,000
3,932	87,598	61,133	61,178	87,643
0	1,341	0	28,370	29,711
1	197,293	171,990	134,594	159,897
51	21,507	16,939	96,834	101,402
254	249,000	263,000	78,000	64,000
2,159	421,931	240,761	547,514	728,684
4	44,082	32,050	19,419	31,451
3,239	75,000	140,000	669,000	604,000
469	310,276	331,717	21,441	0
1,119	141,120	177,558	147,589	111,151
12,927	210,000	293,000	169,000	86,000
19,818	2,139,000	2,014,000	981,000	1,106,000
8,624	6,661,000	6,556,000	7,091,000	7,196,000
39,466	7,468,000	4,787,000	9,339,000	12,020,000
209	9,016	4,929	86,063	90,150
8,814	165,127	164,349	8,558	9,336
<b>163,764</b>	<b>23,973,707</b>	<b>19,892,958</b>	<b>25,059,533</b>	<b>29,140,282</b>
192,130	24,067,859	17,772,255	18,730,710	25,026,314

# 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.gov.uk/certificationofficer](http://www.gov.uk/certificationofficer). 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*

*Certification Officer's Publication Scheme*

*Annual Reports of the Certification Officer*

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











**Certification Office for  
Trade Unions and Employers' Associations**

**22nd Floor, Euston Tower  
286 Euston Road  
London NW1 3JJ  
Tel 020 7210 3734  
Fax 020 7210 3612  
e-mail: [info@certoffice.org](mailto:info@certoffice.org)**