

Annual Report of the Certification Officer

2008-2009



www.certoffice.org

CERTIFICATION OFFICE
FOR TRADE UNIONS AND EMPLOYERS' ASSOCIATIONS

**Annual Report
of the Certification Officer
2008-2009**

www.certoffice.org

© Crown Copyright 2009
First published 2009

The Rt Hon Lord Mandelson
Secretary of State for Business, Innovation and Skills
1 Victoria Street
London SW1H 0ET

Ed Sweeney
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 Certification Officer during the previous reporting period. I have pleasure in submitting such a report for the period 1 April 2008 to 31 March 2009.

A handwritten signature in black ink that reads "David Cockburn". The signature is written in a cursive style and is underlined with a single horizontal stroke.

DAVID COCKBURN
The Certification Officer
8 July 2009

Contents

| | Page |
|---|------|
| Introduction | 1 |
| Chapter | |
| 1 Lists of Trade Unions and Employers' Associations | 4 |
| Entry in the lists and its significance | 4 |
| Unions formed by amalgamation | 5 |
| Trade unions and employers' associations not on the lists (scheduled bodies) | 5 |
| Removal from the lists and schedules | 5 |
| Additions to the lists and schedules | 7 |
| The lists and schedules at 31 March 2009 | 7 |
| Special register bodies | 8 |
| Changes of name of listed trade unions and employers' associations | 9 |
| Definition of a trade union | 10 |
| Definition of an employers' association | 10 |
| 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 | 18 |
| Statement to members | 18 |
| Financial affairs of trade unions and employers' associations – use of statutory powers | 19 |
| Public inspection of annual returns | 20 |
| Access to accounting records | 21 |
| Applications and complaints received in 2008-2009 | 21 |
| 4 Financial and Membership Information and Membership Register | 23 |
| Annual Returns received in 2008-2009 | 23 |
| Trade unions : Numbers and membership | 23 |
| : Membership register | 25 |
| : Finance | 25 |
| : Salaries and benefits | 26 |
| Employers' associations | 26 |
| 5 Superannuation Schemes | 28 |
| The statutory provisions | 28 |
| Schemes maintained | 29 |
| Actuarial reports received in 2008-2009 | 29 |

| | | |
|------------|--|----|
| 6 | Mergers | 30 |
| | The statutory provisions | 30 |
| | Trade Unions formed by amalgamation | 31 |
| | Guidance | 31 |
| | Mergers during the period 2008-2009 | 32 |
| 7 | Political Funds | 33 |
| | The statutory provisions | 33 |
| | : General | 33 |
| | : Exemption from contributing | 33 |
| | : Complaints | 33 |
| | : Review ballots | 34 |
| | Guidance on procedures | 34 |
| | Organisations with new political fund rules approved for the first time during 2008-2009 | 34 |
| | Amalgamations of unions already holding a political fund | 34 |
| | Political fund resolutions in force | 34 |
| | Political fund review ballots | 35 |
| | Political fund resolutions lapsed | 35 |
| | Political funds of trade unions at 31 March 2009 | 35 |
| | Political fund membership | 35 |
| | Exemption notices | 36 |
| | Amendments to rules | 36 |
| | Political fund complaints | 36 |
| 8 | Elections for Certain Positions | 37 |
| | The statutory provisions | 37 |
| | Applications and decisions | 38 |
| 9 | Breach of Trade Union Rule Applications | 40 |
| | The statutory provisions | 40 |
| | Applications and decisions | 41 |
| Appendices | | |
| 1 | List of trade unions at 31 March 2009 | 44 |
| 1a | Schedule to appendix 1 | 49 |
| 2 | List of employers' associations at 31 March 2009 | 51 |
| 2a | Schedule to appendix 2 | 54 |
| 3 | Decisions on trade union independence during 2008-2009 | 57 |
| 4 | Summary of statistics – trade unions, returns received in 2008-2009 | 59 |
| 5 | Salaries and benefits of trade union general secretaries | 62 |
| 6 | Summary of statistics – employers' associations, returns received in 2008-2009 | 67 |
| 7 | Trade unions maintaining members' superannuation schemes at 31 March 2009 | 73 |
| 8 | Mergers completed in 2008-2009 | 74 |
| 9 | Political funds of trade unions, returns received in 2008-2009 | 76 |
| 10 | Current statutory fees applicable | 80 |
| 11 | Certification Office publications | 81 |

Introduction

This is the thirty-third 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 2008 to 31 March 2009.

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

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

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

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

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

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

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

under Part II – for maintaining a list of employers’ associations; for ensuring compliance with the statutory requirements concerning accounting records, annual

returns, financial affairs and political funds; and for ensuring that the statutory procedures applying to amalgamations and transfers of engagements in respect of employers' associations are followed.

As in each Annual Report, I give details of the membership of trade unions as reported to me in the relevant period. The number of trade union members recorded in the Annual Returns received in 2008-2009 is 7,656,156, an increase of 28,463 or 0.37% over the membership recorded in my last Annual Report. Within these figures, the number of non-contributing members has decreased from 13.1 % to 8.6 % of total members.

Continuing the trend which has now been uninterrupted since 1983, the total number of trade unions and employers associations has again decreased over the most recent reporting period. In 1983 there were 502 trade unions and 375 employers' associations. At the end of this reporting year there were 184 trade unions and 133 employers' associations. In this reporting period, six trade unions and sixteen employers' associations ceased to exist. Two unions ceased to exist by reason of having merged, three were dissolved and one ceased to be a trade union. Ten employers' associations ceased to exist as a result of a single amalgamation, to form what is now called EEF Limited.

A new union which I added to the list of trade unions in this period is Workers Uniting. It is a federated trade union made up of Unite the Union and the U.S. labor union the United Steel Workers. Its principal office is in London. The concept of transnational trade unions of this nature is relatively new. The most recent other example is the union for maritime professionals, Nautilus International, which has recently changed its name from Nautilus UK to reflect its many Dutch members. It remains to be seen how suitable the 1992 Act is to regulate different models of transnational unions.

Over the past year 29 complaints were determined. Of these, 23 complaints alleged that a union had breached its own rules. The other six related to breaches of statutory provisions. The decisions which generated the most interest on the website (www.certoffice.org) in 2008-09 were those of *Bakhsh v Unison* (D 6-10/08) and *Staunton v Unison* (D11-12/08). Both concerned the members' exclusion from a statutory election and the union's disciplinary rules. Both decisions were appealed to the Employment Appeal Tribunal. Details can be found in Chapters 8 and 9.

Each year my office is involved in correspondence with a number of union members who seek to bring complaints against their unions but who do not pursue them after my office makes enquiries of them about whether their claims are within my jurisdiction. Sometimes this can involve my office in significant correspondence, this occurred in relation to 13 matters this year.

On 28 May 2008, I appointed Gerard Walker, Assistant Certification Officer, to inspect the financial affairs of Solidarity. Mr Walker presented me with his Inspector's Report on 28 November 2008, which can be found on the Certification Office website. At the end of this reporting period a number of complaints against this union were listed for hearing.

The Advisory, Conciliation and Arbitration Service (Acas) is responsible for providing me with the finance and support services necessary for the performance of my statutory duties. This in no way affects my independence from both Acas and the Secretary of State for Business, Innovation and Skills. My Office continued to receive professional advice on superannuation matters from the Government Actuary's Department.

Mr Gerard Walker and Ms Christine Stuart continued to hold their appointments as Assistant Certification Officer and Assistant Certification Officer for Scotland respectively. Mr Whybrew continues as an Assistant Certification Officer to determine those complaints in which it is appropriate that I recuse myself. On 31 March 2009 there were nine staff in post in the Certification Office. The net cost of the Office for the year ending 31 March 2008 was £671,000. My salary as Certification Officer at 31 March 2009 was £71,584.14 for a three-day week. This sum is pensionable at an additional cost to the public purse of £16,269.00. 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 45% of the Office's resources were allocated to work connected with annual returns from trade unions and employers' associations, and the maintenance of the lists of trade unions and employers' associations, 52% to work relating to complaints and trade union finances, and the remainder to other matters including trade union political funds and certification of independence.

Where it is necessary to hold a hearing to determine a complaint, the Certification Officer can make payment towards the expenses incurred by the complainant and their witnesses in attending the hearing. During the period under review such payments amounted to £543.22. Assistance with legal costs is not available.

Advice and contacts for information

The Office receives many enquiries and requests for guidance from trade unions, employers' associations and their members. Often we can help but there are constraints on the advice that can be given. It is for example inappropriate, unless the law requires it, to give guidance on, or prior approval to, a specific course of action in those areas where complaints can be made to me by an individual member. It would also be clearly inappropriate for my Office to comment on the merits of a possible complaint. Where a complaint is made, I have to investigate it and decide it impartially on the facts of the case and in the light of the representations made by the parties concerned. I and my staff must avoid giving advice which might seem in any way to prejudice that impartiality. That said, the Office is happy to assist where it can and guidance booklets covering different aspects of the Certification Officer's responsibilities are available on the Certification Officer's website, www.certoffice.org, or in hard copy format free of charge. They are listed in Appendix 11 and requests for further information on any aspect of the Certification Officer's duties should be made to the Certification Office, 22nd Floor, Euston Tower, 286 Euston Road, London, NW1 3JJ, tel: 020 7210 3734, e-mail: info@certoffice.org. The guidance booklets and other information are also available on the website, www.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 2009 and the changes that have occurred during the previous twelve months. The lists are set out in full in Appendix 1 (trade unions) and Appendix 2 (employers' associations).

Entry in the lists and its significance

- 1.1 The Certification Officer maintains a list of trade unions and a list of employers' associations in accordance with the provisions of sections 2-4 and sections 123-125 of the Trade Union and Labour Relations (Consolidation) Act 1992 ("The 1992 Act").
- 1.2 Listing is voluntary and any organisation of workers or of employers may apply to be listed. A fee is payable on application (see appendix 10 for the statutory fee). The name of the organisation shall be entered in the relevant list if the Certification Officer is satisfied that it falls within the appropriate definition in the 1992 Act (see paragraphs 1.19 and 1.20). Entry in the list is a relatively simple process but it 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 formed by the amalgamation of two or more trade unions which were already on the list (see paragraph 1.6). The Act does not impose any test of size or effectiveness.
- 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 467 of the Income and Corporation Taxes Act 1988). There are certain procedural advantages in connection with the devolution of property following a change of trustees (section 13 of the 1992 Act). The fact of being on the relevant list is evidence (in Scotland, sufficient evidence) that the organisation is a trade union or employers' association. The name of a trade union or employers' association is protected by the provision that an organisation shall not be entered in the relevant list if its name so nearly resembles the name of an organisation already on that list as to be likely to deceive the public.

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

Unions formed by amalgamation

- 1.6 Upon the amalgamation of two or more unions listed in accordance with Part I Chapter VII of the 1992 Act, the amalgamated union shall automatically be listed by the Certification Officer when the instrument of amalgamation takes effect. The newly amalgamated union 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, 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. In addition to the listed organisations the Certification Officer was aware of 18 trade unions and 66 employers' associations which met the statutory definitions but which had not sought to be listed as at 31 March 2009. The Certification Officer maintains schedules to the relevant lists, which contain the names of those organisations which satisfy the statutory definition of a trade union or employers' association but which have not applied to be listed. There may be other organisations which meet the statutory definitions of a trade union or employers' association of which the Office is unaware. The fact that an organisation is not on the relevant list does not exempt it from its statutory responsibilities, including the requirement to make an annual return. The returns from the scheduled bodies are available for inspection in the same way as are those of listed organisations. Those trade unions and employers' associations known to the Office but which have not applied to be included in the relevant lists are set out in the schedules to Appendices 1 and 2 respectively.
- 1.8 During the year, the Office did not approach any organisations which it was thought might be trade unions or employers' associations and of which it was previously unaware.

Removal from the lists and schedules

- 1.9 If at any time it appears to the Certification Officer that an organisation whose name is entered on the relevant list is not a trade union or an employers' association its name may be removed from the list. The organisation concerned will be given an opportunity to make representations as to why its name should not be removed. There is a right of appeal to the EAT on a point of law against removal of a name from a list. The Certification Officer must also remove the name of an organisation from the list if he is satisfied that it no longer exists or if the organisation requests that he should do so.

- 1.10 The table below gives the names of the 6 trade unions and 16 employers' associations removed from the lists and schedules during the period 1 April 2008 and 31 March 2009. An asterisk denotes those which ceased to exist as a result of mergers. The others were dissolved or deemed no longer to meet the statutory definition of a trade union or employers' association.

Trade Unions

England and Wales – Listed

21st Century Aircrew

Birmingham Union of Club Stewards

British Union of Social Work Employees*

England and Wales – Scheduled

Joint Committee for Light Metal Trades Unions

Scotland – Listed

National Association of Colliery Overmen Deputies and Shotfirers (Scottish Area)

Offshore Industry Liaison Committee*

Scotland – Scheduled

None

Employers' Associations

England and Wales – Listed

EEF East Midlands and Mid-Anglia Association*

EEF North West*

EEF Northern Association*

EEF South*

EEF West Midlands Association*

EEF Western*

EEF Yorkshire and Humberside*

Engineering Employers East Anglian Association*

Engineering Employers Federation*

Engineering Employers Sheffield Association (South Yorkshire and North Midlands)*

Event Supplier and Services Association

Paper Federation of Great Britain Ltd

England and Wales – Scheduled

Kidderminster District Carpet Manufacturers and Spinners Association

National Brickmakers Federation

Scotland – Listed

Scottish Grocery Trade Employers Association

Scottish Pharmaceutical Federation

Scotland – Scheduled

None

Additions to the lists and schedules

- 1.11 The table below gives the names of the 5 trade unions and 3 employers' associations added to the lists and schedules during the period 1 April 2008 to 31 March 2009.

Trade Unions

England and Wales – Listed

LEGION

Palm Paper Staff Association

PDA Union

Workers Uniting

England and Wales – Scheduled

General Workers Union

Scotland – Listed

None

Scotland – Scheduled

None

Employers' Associations

England and Wales – Listed

EEF Limited

England and Wales – Scheduled

Confederation of Paper Industries Ltd

Scotland – Listed

None

Scotland – Scheduled

Scottish Building Federation – Renfrewshire and Inverclyde Association

The lists and schedules at 31 March 2009

- 1.12 As required by sections 2 and 123 of the 1992 Act, this report includes the names of those trade union and employers' associations on the lists as at 31 March 2009. They are reproduced as Appendices 1 and 2. The lists at 31 March 2009 comprised 166 trade unions and 67 employers' associations.

Changes to the lists during the year are summarised in the table below:

| | <i>On lists at 31 March 2008</i> | <i>Changes between 1 April 2008 and 31 March 2009</i> | | <i>On lists 31 March 2009</i> |
|-------------------------|--|---|-----------------|---------------------------------------|
| | | <i>Additions</i> | <i>Removals</i> | |
| Trade Unions | 167 | 4 | 5 | 166 |
| Employers' Associations | 80 | 1 | 14 | 67 |

- 1.13 As at 31 March 2009, there were 18 trade unions on the schedule of unlisted unions and 66 employers' associations on the schedule of unlisted associations. The total number of listed and scheduled trade unions and employers' associations is, therefore, as follows.

| | <i>Listed</i> | <i>Scheduled</i> | <i>Totals</i> |
|-------------------------|---------------|------------------|---------------|
| Trade Unions | 166 (167) | 18 (18) | 184 (185) |
| Employers' Associations | 67 (80) | 66 (66) | 133 (146) |

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

Special register bodies

- 1.14 Under the Industrial Relations Act 1971, a special register was established for the registration of organisations which were either companies or incorporated by charter or letters patent and which took part in collective bargaining on behalf of their members. These were mainly professional bodies.
- 1.15 The Trade Union and Labour Relations Act 1974 provided that trade unions could no longer have corporate status. However, it also provided for an exception to preserve the position of those bodies which were already on the special register.
- 1.16 The statutory requirements affecting trade unions in the 1992 Act take account of the corporate status of these bodies and their other activities. Special register bodies are also exempt from the requirement to conduct elections for the posts of president and general secretary. However, the voting members of the executive committee of special register bodies must be elected in accordance with the statutory provisions.
- 1.17 The following 13 special register bodies remain on the list of trade unions:

Association of Clinical Biochemistry
British Association of Occupational Therapists Limited

British Dental Association
 British Dietetic Association
 British Medical Association
 Chartered Society of Physiotherapy
 Educational Institute of Scotland
 Headmasters and Headmistresses Conference
 Royal College of Midwives
 Royal College of Nursing of the United Kingdom
 Society of Authors Limited
 Society of Chiropodists and Podiatrists
 Society of Radiographers

Changes of name of listed trade unions and employers' associations

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

| <i>Trade Unions</i> | | <i>Effective Date</i> |
|---------------------------------------|---|------------------------------|
| <i>From</i> | British Association of Colliery Management | |
| <i>To</i> | British Association of Colliery Management – Technical Energy and Administrative Management (BACM – TEAM) | 17 November 2008 |
| <i>From</i> | Distribution Staff Association | |
| <i>To</i> | Currys Supply Chain Staff Association (CSCSA) | 15 October 2008 |
| <i>From</i> | Dunfermline Building Society Staff Association | |
| <i>To</i> | Staff Union Dunfermline Building Society | 27 August 2008 |
| <i>From</i> | Guild of Professional Teachers of Dancing | |
| <i>To</i> | Guild of Professional Teachers of Dance Music Movement and Dramatic Arts | 23 June 2008 |
| <i>Employers' Associations</i> | | |
| <i>From</i> | Association of London Government | |
| <i>To</i> | London Councils | 18 November 2008 |
| <i>From</i> | EEF | |
| <i>To</i> | EEF Limited | 8 October 2008 |

Definition of a trade union

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

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

- (a) which consists wholly or mainly of workers of one or more descriptions and whose principal purposes include the regulation of relations between workers of that description or those descriptions and employers or employers’ associations; or*
- (b) which consists wholly or mainly of –*
 - (i) constituent or affiliated organisations which fulfil the conditions in paragraph (a) (or themselves consist wholly or mainly of constituent or affiliated organisations which fulfil those conditions), or*
 - (ii) representatives of such constituent or affiliated organisations,*

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

Definition of an employers’ association

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

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

- (a) which consists wholly or mainly of employers or individual owners of undertakings of one or more descriptions and whose principal purposes include the regulation of relations between employers of that description or those descriptions and workers or trade unions; or*
- (b) which consists wholly or mainly of –*
 - (i) constituent or affiliated organisations which fulfil the conditions in paragraph (a) (or themselves consist wholly or mainly of constituent or affiliated organisations which fulfil those conditions), or*
 - (ii) representatives of such constituent or affiliated organisations,*

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

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

Trade Union Independence

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

The statutory provisions

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

“...a trade union which –

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

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

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

- 2.3 Where two or more trade unions, each with a certificate of independence, amalgamate, a certificate of independence will automatically be issued to the new union when the instrument of amalgamation is registered by the Certification Officer. The newly amalgamated union will, however, have its certificate of independence removed if it does not send certain prescribed information to the Certification Officer within six weeks of the date the amalgamation takes effect or such longer period as the Certification Officer may specify. The information to be sent to the Certification Officer is a copy of the rules of the new union, a list of its officers and the address of its head or main office, together with the prescribed fee (see Appendix 10).
- 2.4 The Certification Officer may withdraw a certificate of independence at any time if he is of the opinion that the trade union concerned is no longer independent. As in the case of a refusal, a trade union aggrieved by a decision to withdraw its certificate has a right of appeal on a point of law to the EAT.
- 2.5 Once the Certification Officer has determined that a trade union is independent and has issued a certificate, that certificate remains valid until it is withdrawn by the Certification Officer or is cancelled. This applies even to certificates issued under legislation in force prior to its consolidation into the 1992 Act.
- 2.6 The Act provides that, where a question as to the independence of a particular union arises in proceedings before the courts, employment tribunals, Central Arbitration Committee or the Employment Appeal Tribunal, and no certificate has been issued or refused, those proceedings may not continue until that question has been decided by the Certification Officer. The granting of a certificate by the Certification Officer, or its refusal, is conclusive evidence for all purposes that the union is or, as the case may be, is not independent.

Criteria

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

Applications, Decisions, Reviews and Appeals

- 2.8 During the period one certificate of independence was issued. This was to Aegis; The Aegon UK Staff Association. The certificate was issued on 16 July 2008.
- 2.9 No formal reviews of existing certificates of independence were undertaken during the period.

- 2.10 Two unions, the Associated Train Crew Union and Workers Uniting, applied for a certificate of independence on 10 July 2008 and 29 January 2009 respectively. The Office is presently making the necessary investigations to determine the applications.
- 2.11 Three certificates of independence were cancelled because the unions concerned ceased to exist, two of which were as the result of mergers. These were the certificates of the following unions:
- British Union of Social Work Employees*
National Association of Colliery Overmen and Shotfirers (Scottish Area)
Offshore Industry Liaison Committee*
(* the unions marked with an asterisk ceased to exist as the result of mergers)
- 2.12 On 31 March 2009 there were 117 unions which held certificates of independence.

Annual Returns, Financial Irregularities and Access to Accounting Records

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

The statutory provisions

- 3.1 Sections 28 and 131 of the Trade Union and Labour Relations (Consolidation) Act 1992 ("the 1992 Act") provide respectively that every trade union and every employers' association (except those which consist wholly or mainly of representatives of constituent or affiliated organisations) must keep proper accounting records in respect of its transactions, assets and liabilities. Each such trade union or employers' association must establish and maintain a satisfactory system of control of its accounting records, its cash holdings and all its receipts and remittances. The accounting records kept must be such as are necessary to give a true and fair view of the state of affairs of the organisation and to explain its transactions.
- 3.2 Under sections 32 and 131 of the Act such an organisation (unless it has been in existence for less than 12 months) is also required to submit an annual return to the Certification Officer in the form prescribed. The return is to include revenue and other accounts and a balance sheet, which must give a true and fair view of the matters to which they relate. The return must also give details of the salary and other benefits paid to each member of the executive, the president and the general secretary (see paragraph 4.14). Any changes in the organisation's officers or in the address of its head office must be shown on the return and it must be accompanied by a copy of the rules in force at the end of the period covered by the return. All funds maintained by the trade union or employers' association must normally be included in the return made to the Certification Officer.
- 3.3 Organisations which consist wholly or mainly of constituent or affiliated organisations or representatives of such organisations, are referred to within the Act as "federated" trade unions or employers' associations and are described fully within sections 118 and 135 of the Act. Those federated bodies which are composed of representatives of trade unions or employers' associations are exempt from certain provisions of the Act, including the duty to supply a copy of their rules, to keep accounting records and to submit annual returns. The same does not apply to those federated bodies which are composed of constituent or affiliated organisations.

- 3.4 It is not the responsibility of the Certification Officer to determine whether an organisation is financially viable but to ensure that accounts in the prescribed form covering all funds administered by the organisation are available for public inspection.
- 3.5 The Act requires trade unions and employers' associations to submit before 1 June each year a return of their financial affairs covering the year ending the preceding 31 December. However, the Certification Officer may direct that the return is to relate to a different annual period. This is usually done if the normal timetable would cause serious inconvenience to the organisation concerned.
- 3.6 The annual return must include a copy of the auditor's report on the accounts. Under section 34 of the 1992 Act, a person is qualified to act as auditor of a trade union or employers' association's accounts if he or she is eligible for appointment as a company auditor under section 25 of the Companies Act 1989 ("a Companies Act auditor"). Section 37 of the 1992 Act sets out the rights of auditors including access to information and the entitlement to attend and speak at general meetings of the organisation.
- 3.7 A trade union (other than a special register body as described in Chapter 1 of this Report, paragraphs 1.14 to 1.17) or an employers' association may have its accounts audited by someone who is not a Companies Act auditor if its receipts and payments do not in aggregate exceed £5,000, the value of its assets is less than £5,000 and it has less than 500 members. If any one of these conditions is not satisfied, it must use a Companies Act auditor.
- 3.8 The auditor must state whether, in his or her opinion, the accounts give a true and fair view of the matters to which they relate. The auditor has a duty to carry out such investigations as will enable an opinion to be formed on whether proper accounting records have been kept, whether a satisfactory system of control has been maintained and whether the accounts are in agreement with the accounting records. If in the opinion of the auditor the statutory requirements have not been satisfied or the union or employers' association has failed to supply all the necessary information and explanations the auditor must say so in the report by way of qualification.
- 3.9 Three returns received by the Certification Office during this reporting period (1.0% of total returns received) contained audit reports in which the auditors gave a qualified opinion as to whether the return gave a true and fair view. The Certification Officer has made enquiries of the three organisations concerned in order to get an explanation for the qualification and an assurance that action will be taken to ensure such qualifications are not necessary in the future. Satisfactory assurances were received in relation to two of the qualifications. In the case of the UDW enquiries were continuing at the end of the reporting period.
- 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 1.14

to 1.17) 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 Act apply to all trade unions and employers' associations, whether listed under sections 2 or 123 or not. 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 3.17 below).

Late submission of returns

- 3.12 The 1992 Act requires an organisation to submit an annual return to the Certification Officer before 1st June in the calendar year following the year to which the annual return relates. For most organisations (71%), their financial year coincides with the calendar year and ends on 31 December, but others differ. By 31 March 2009, 97.9% of all due returns had been received including the returns of trade unions representing an estimated 99.9% of the members of all trade unions which are listed or scheduled. The annual returns of 15.7% of organisations were submitted more than three months after their due date. The annual returns for the following organisations were outstanding by more than three months and had still not been submitted at 31 March 2009.

Trade Unions

England and Wales

Ambulance Service Union

Ice Hockey Players Association

Scotland

None

Employers' Associations

England and Wales

None

Scotland

Scottish Building Orkney Association

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

3.13 No prosecutions for failure to submit a return were initiated during this period.

Statement to members

3.14 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 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 now available on the Certification Officer's website, www.certoffice.org.

- 3.15 It is not a requirement that the statement to members is distributed individually. As an alternative, unions may use *“any other means... which it is the practice of the union to use when information of general interest to all its members needs to be provided to them”*.
- 3.16 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 Act is maintained.

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

- 3.17 The 1992 Act allows the Certification Officer to investigate the financial affairs of almost all trade unions and employers’ associations (exceptions being in respect of federated employers’ associations and trade unions made up wholly or mainly of representatives of constituent affiliated organisations and in respect of organisations that have been in existence for less than twelve months). Under the Act, the Certification Officer may, if he thinks there is good reason to do so, give a direction to the organisation concerned to produce relevant documents and explanations of them. In addition, the Certification Officer may appoint inspectors to investigate the organisation’s financial affairs and to report on them. The Certification Officer may only appoint inspectors if one or more of the following circumstances are suggested: *that the financial affairs of the trade union or employers’ association have been or are being conducted fraudulently or unlawfully; that those managing those affairs have been guilty of fraud, misfeasance or other misconduct in connection with that management; that the organisation concerned has failed to comply with a duty under the Act relating to its financial affairs; or that a rule of the organisation relating to its financial affairs has not been complied with*. A member may complain to the Certification Officer that there are circumstances suggesting any of the foregoing. The Certification Officer must then consider whether it is appropriate to exercise any of the powers conferred on him by the Act in that respect.
- 3.18 Information suggesting circumstances where one or more of the situations described in paragraph 3.17 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.
- 3.19 Not all the information received by my Office is of sufficient merit to warrant any approach to the body concerned. Where an approach is warranted, the matter is frequently resolved either through correspondence between the Office and the parties concerned or by means of informal meetings with the body or the individual or a combination of these methods.
- 3.20 At the end of the last reporting year three enquiries were outstanding. These

concerned the GMB, the former Portman Group Staff Association (now part of the Nationwide Group Staff Union) and Solidarity.

- 3.21 In the case of Solidarity, the Certification Officer appointed Gerard Walker, Assistant Certification Officer, as an inspector to investigate its financial affairs on 22 May 2008. Mr Walker's report was published by the Certification Officer on 2 December 2008. Copies of the Inspector's published report are available free of charge from the Certification Office and it can also be downloaded from the Certification Office web site.
- 3.22 The enquiries concerning the GMB and the former Portman Group Staff Association were suspended pending the completion of police enquiries/civil proceedings. The office remained in contact with solicitors for the GMB and with the Nationwide Group Staff Association.
- 3.23 In the period 1 April 2008 to 31 March 2009 concerns were raised about particular aspects of the conduct of the financial affairs of two trade unions: the Communication Workers Union (CWU) and Unite the Union (TGWU Section). The enquiries of the CWU concluded with no further action being required. At the end of the reporting period enquiries with Unite the Union (TGWU Section) remained outstanding.
- 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. In this reporting period both of the concluded issues 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 at the Certification Office and, where appropriate, the Office of the Assistant Certification Officer for Scotland. 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.

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 determine it within six months of it being made, so far as reasonably practicable.
- 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 1 April 2008 to 31 March 2009

- 3.32 In the period 1 April 2008 to 31 March 2009 the Certification Officer received three such complaints. These were against the Communication Workers Union (CWU), the National Union of Rail Maritime and Transport Workers (RMT) and Solidarity. The complaint against the CWU was dismissed on withdrawal by the claimant on 8 January 2009 (*Carabine v CWU* (No.1) D/1/09). The RMT complaint was dismissed for the same reason on 21 January 2009 (*O'Neill v RMT* D/7/09). At the end of this reporting period the complaint against Solidarity remained outstanding.
- 3.33 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).

- 3.34 A copy of the decisions in *Carabine v CWU* (No.1) and *O'Neill v RMT* and the three decisions mentioned in paragraph 3.33, together with copies of all decisions of the Certification Officer, are available free of charge from the Certification Office and decisions reached since 1 August 2001 are available on the Certification Officer's website.

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 unions' membership registers.

Annual Returns received in 2008-2009

- 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 2008 and 31 March 2009. 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 2007 and September 2008. However, the majority (71%) of returns are for unions or employers' associations with accounting periods ending 31 December 2007.
- 4.2 A total of 325 organisations submitted returns for this period. These were made up as follows:
- | | |
|-----|-----------------------------------|
| 170 | Listed trade unions |
| 15 | Scheduled trade unions |
| 74 | Listed employers' associations |
| 66 | Scheduled employers' associations |

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

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 2008-2009. Details are shown for the 14 trade unions with more than 100,000 members.
- 4.4 The statistics in Appendix 4 are based on returns from 185 listed and scheduled unions: eight less than reported for listed and scheduled unions in the Annual Report for 2007-2008.

- 4.5 The trade unions from which returns were received, recorded a total membership of 7,656,156. The major unions, with a membership of over 100,000, accounted for 6,561,574 members or 85.7% of the total. Returns received in the period show the distribution of trade union membership by size is as follows:

Trade unions: distribution by size

| <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 | 33 | 859 | 17.8 | 17.8 | 0.0 | 0.0 |
| 100-499 | 32 | 8,349 | 17.3 | 35.1 | 0.1 | 0.1 |
| 500-999 | 24 | 17,335 | 13.0 | 48.1 | 0.2 | 0.3 |
| 1,000-2,499 | 20 | 32,811 | 10.8 | 58.9 | 0.4 | 0.8 |
| 2,500-4,999 | 23 | 79,832 | 12.4 | 71.4 | 1.0 | 1.8 |
| 5,000-9,999 | 11 | 83,973 | 5.9 | 77.3 | 1.1 | 2.9 |
| 10,000-14,999 | 2 | 26,136 | 1.1 | 78.4 | 0.3 | 3.3 |
| 15,000-24,999 | 9 | 174,328 | 4.9 | 83.2 | 2.3 | 5.5 |
| 25,000-49,999 | 15 | 533,493 | 8.1 | 91.4 | 7.0 | 12.5 |
| 50,000-99,999 | 2 | 137,466 | 1.1 | 92.4 | 1.8 | 14.3 |
| 100,000-249,999 | 6 | 932,963 | 3.2 | 95.7 | 12.2 | 26.5 |
| 250,000 and over | 8 | 5,628,611 | 4.3 | 100.0 | 73.5 | 100.0 |
| Total | 185 | 7,656,156 | 100 | 100 | 100 | 100 |

- 4.6 The recorded trade union membership of 7,656,156 in 2008-09, compares to 7,627,693 reported in the previous period. This indicates an increase of 28,463 members or 0.37%. The total recorded membership of around 7.6 million compares with a peak of 13.2 million in 1979.
- 4.7 The following table shows unions whose membership has increased or decreased by 10,000 or more since the previous reporting period.

Trade Union: Changes in Membership

| | <i>Total Membership (000's)</i> | | |
|--|---------------------------------|------------------|------------------|
| | <i>2006-2007</i> | <i>2007-2008</i> | <i>% changes</i> |
| <i>Increases</i> | | | |
| GMB | 576 | 590 | 2.5 |
| National Association of Schoolmasters Union of Women Teachers | 299 | 313 | 4.8 |
| Union of Shop Distributive and Allied Workers | 341 | 356 | 4.3 |
| <i>Decreases</i> | | | |
| <i>None</i> | | | |

- 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 8.6% less than the figure for total membership, compared to 13.1% 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 2008 to 31 March 2009 the Certification Officer received one complaint concerning the maintenance of the register of members' names and addresses. However, after correspondence with the claimant the complaint was not proceeded with. At the end of the period there were no such complaints outstanding.

Finance

- 4.11 Trade union income derives mainly from membership subscriptions and income from investments. There may also be additional income and/or assets arising if, for example, a union accepts the transfer of engagements of another union. The figures given at Appendix 4 include both general and other funds where applicable, e.g. contingency, superannuation and political funds. Additionally, political funds are shown separately in Appendix 9.

- 4.12 From the returns received during this reporting period, the figures show that the gross income of trade unions was £1,040.38 million, a decrease of 3.3% on that recorded by unions the previous year. Income from members fell by 3.6% to £738.64 million. Income from investment fell by 8.7% and income from other sources fell by 0.9%.
- 4.13 Gross expenditure by unions during this reporting period rose by 3.0% to £898.41 million, while at the end of the reporting period total funds (net assets) amounted to £1,134.15 million, an increase of 20.4% over the previous period. A significant part of this increase is the result of a restatement of the reserves of one union, Unite the Union, on its formation on 26 April 2007.

Salaries and benefits

- 4.14 Trade unions are required to include in their annual returns to the Certification Officer information about the salaries and benefits paid to certain of their national officers and executive members from the organisation's funds. For the purpose of the annual return, benefits are defined as being a) those designated as a taxable benefit by Her Majesty's Revenue and Customs; b) pension/superannuation arrangements; and c) redundancy and other termination payments. The Certification Officer requires that all benefits paid from the funds of the union are reported, whether such funds are maintained at national or other level. Information from trade union annual returns received in the reporting period showed that 8% of unions paid a salary to their general secretary of over £100,000; 25% paid between £60,001 and £100,000; 17% paid between £30,001 and £60,000; and 14% paid up to £30,000; while the general secretaries of the remaining 32% did not receive a salary. Five unions (3%), although paying no salary to their general secretary, did provide an honorarium or other benefits.
- 4.15 Appendix 5 gives information on the salary and benefit payments in respect of all unions who make a payment to their 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 34 associations (including scheduled associations) with total income of more than £2,500,000. For comparative purposes, the statistics relating to the regional Engineering Employers Associations are combined in the table, even though the income of the individual associations each falls below £2,500,000.
- 4.17 The statistics in Appendix 6 are based on returns from 140 employers' associations received in this reporting year compared with returns from 137 received in the reporting year for 2007-2008.

- 4.18 From the returns received in this period, the figures show the gross income of employers' associations was £363.78 million compared with £374.80 million recorded for the previous year, a decrease of 2.9%. Income from members rose by £0.56 million to £137.10 million, an increase of 0.4%. Income from investments fell from £34.32 million to £20.75 million (39.5%). Other income rose from £203.94 million to £205.93 million (1.0%). During the same period, expenditure rose from £307.30 million to £338.20 million, an increase of 10.1%.
- 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 £350.77 million, an increase of £45.39 million (14.9%) 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 131 of the Trade Union and Labour Relations (Consolidation) Act 1992 ("the 1992 Act") require that any superannuation scheme maintained by a trade union or employers' association¹ covering members (as opposed to staff) must be examined periodically by a qualified actuary and a copy of each actuarial report sent to the Certification Officer. The actuarial examination is to be made not later than five years after the effective date of the preceding examination, but the Certification Officer has power to direct that in any particular case the period of five years may be reduced to such shorter period as he may specify. The Certification Officer also has power to exempt a members' superannuation scheme from actuarial examination in certain circumstances. No trade union or employers' association may maintain a members' superannuation scheme unless it also maintains a separate fund for the payment of benefits in accordance with the scheme. A copy of the actuarial report made under the above provisions must be supplied free of charge to any member of the trade union or employers' association on application to the organisation concerned.
- 5.2 The 1992 Act requires that the report by the actuary, following his or her examination of any scheme, shall state whether in the opinion of the actuary the premium or contribution rates are adequate, whether the accounting or funding arrangements are suitable and whether the separately maintained superannuation fund is adequate. The Office continues to ensure that these requirements are not overlooked.
- 5.3 Where necessary actuarial reports received by the Certification Officer are sent to the Government Actuaries Department (GAD) for their specialist comment. The views of GAD are passed on to the union.

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

Schemes maintained

- 5.4 At the end of the reporting period there were eight members' superannuation schemes known to the Certification Officer maintained by three trade unions. They are listed in Appendix 7 and are mostly small schemes. At the time of their last actuarial examination, only four schemes had assets of over £250,000 and only the scheme of the National Union of Rail Maritime and Transport Workers covered more than 25,000 members.
- 5.5 The Certification Officer may grant exemption from actuarial examination on the grounds that the scheme is only applicable to a small number of members or for any other special reasons. Two schemes are currently exempt (see Appendix 7).

Actuarial reports received 2008-2009

- 5.6 No actuarial reports were due in this reporting period. However, the three reports which were outstanding at the end of the 2007-2008 reporting period (see paragraph 5.7 of the 2007-2008 Annual Report) were received in this period. The reports on the GPMU Litho Printers Superannuation Scheme and the AEEU Section Superannuation Fund, maintained by Unite the Union, were received on 21 May 2008, while the report on the National Union of Rail Maritime and Transport Workers' scheme, which had been outstanding from 2006, was received on 7 May 2008.

Mergers

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

The statutory provisions

- 6.1 The Trade Union and Labour Relations (Consolidation) Act 1992 ("the 1992 Act") and the Trade Unions and Employers' Associations (Amalgamations, etc.) Regulations 1975, as amended, lay down procedures governing two types of merger between trade unions and between unincorporated employers' associations. These are transfers of engagements and amalgamations. The procedures apply to listed and scheduled organisations. Their main purposes are to facilitate the processes of transfer and amalgamation and, at the same time, to safeguard the rights of members affected by the terms of a merger by ensuring that they are fully informed about the proposal and have the opportunity to vote on it.
- 6.2 Under a transfer of engagements the transferring organisation loses its legal identity whilst the organisation to which it transfers continues in being with its legal identity unchanged. An amalgamation produces a new organisation replacing each of the amalgamating bodies, which cease to exist.
- 6.3 Organisations proposing to enter into a transfer of engagements or an amalgamation must prepare an instrument setting out the proposed terms of the merger and an explanatory notice to members. They must submit these documents to the Certification Officer and 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 amalgamation or transfer 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 and 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 and on the Certification Officer's website, www.certoffice.org.

- 6.5 In a transfer of engagements only the members of the transferring organisation vote on the resolution to approve the instrument of transfer. An amalgamation requires a favourable vote by the members of each of the amalgamating organisations. If the majority of votes recorded in the ballots is in favour of the transfer of engagements or the amalgamation an application to register the instrument may be made to the Certification Officer. Such an application must be preceded by a copy of the scrutineer's report being sent to every member of the union or the members being notified of its contents by other means. If the union takes the second of the above two options, members must also be told that they will, on request, be provided with a copy of the scrutineer's report – either free or subject to a reasonable specified charge. The Certification Officer has power to direct an organisation to publicise its application to register a merger.
- 6.6 In the case of both a transfer and an amalgamation, an interval of six weeks must elapse between the application for registration and registration itself. Before the expiry of the six-week period, any member of the transferring organisation or of any amalgamating organisation may complain to the Certification Officer on the grounds that one or more of the statutory conditions governing the ballot arrangements have not been observed. The Certification Officer shall determine any such complaint and the parties have a right to an oral hearing. If the Certification Officer upholds the complaint he shall make a declaration and may make an order specifying the steps which must be taken before he will register the instrument. There is a right of appeal against the Certification Officer's decision to the Employment Appeal Tribunal on a question of law. If no such complaint is received from a member, the Certification Officer will register the instrument of transfer at the end of the six week period (or a later date if specified in the instrument) 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.
- 6.7 Formal documents kept by the Certification Officer relating to mergers under the 1992 Act are available for public inspection (see Appendix 10 for the statutory fee).

Trade Unions formed by amalgamation

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

Guidance

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

Mergers during the period 1 April 2008 to 31 March 2009

- 6.10 During this reporting period, there were two transfers of engagements involving trade unions. There was also an amalgamation of 10 employers' associations. There were no amalgamations of trade unions. The two trade union transfers of engagements which took place involved an estimated total of 4,079 members of the transferring unions. Details are given at Appendix 8.
- 6.11 The amalgamation of the 10 employers' associations involved all the English based Engineering Employers Federations to form one new organisation: EEF. Details are given at Appendix 8. They amalgamated to form EEF on 1 October 2008. The amalgamation involved an estimated 4,700 member organisations. EEF changed its name to EEF Limited on 8 October 2008.
- 6.12 During this reporting period the members of UBAC voted to transfer its engagements to Advance. However, no application for registration of the Instrument of Transfer was received within the same period.
- 6.13 During the period 1 April 2008 to 31 March 2009 the Certification Officer received a joint application from member organisations of EEF West Midlands making complaints relating to the amalgamation of the EEF West Midlands with other organisations to form EEF. It was alleged that aspects of the ballot breached section 99(3A) and/or 100C(3)(a) of the 1992 Act. The Certification Officer dismissed the complaints. Copies of this and all decisions of the Certification Officer are available from the Certification Office free of charge and decisions since 1 August 2001 are on the Certification Officer's website.

Political Funds

The Trade Union and Labour Relations (Consolidation) Act 1992 (“the 1992 Act”) enables trade unions and unincorporated employers’ associations to establish separate funds in furtherance of political objectives as part of their aims. Under the terms of the Act a resolution to adopt the political objects must be passed by a ballot of the members. The Certification Officer is the statutory authority for approving the establishment and continuance of such funds. This Chapter explains the statutory provisions and reports developments in the period 1 April 2008 to 31 March 2009.

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 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 order for remedying the breach as he thinks just under the circumstances. Appeals against decisions of the Certification Officer may be made to the Employment Appeal Tribunal on a point of law.

Review ballots

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

Guidance on procedures

- 7.8 On request, the Certification Office gives advice on the procedures for establishing political funds and for holding review ballots. Guidance booklets which include model rules are available from the Office free of charge and are on the Certification Officer's website, www.certoffice.org. 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 2008-2009

- 7.9 During the reporting period, the Certification Officer formally approved the political fund rules of one union: the National Union of Teachers.

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 2009, there were 29 unions which had political fund resolutions in force: one more than reported last year. This is the result of one new resolution which came into force, that of the National Union of Teachers. 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, two trade unions were required by section 73(3) and 73(4) of the 1992 Act to hold a review ballot (see paragraph 7.7). The unions concerned were:

| | <i>Turnout %</i> | <i>Yes %</i> | <i>No %</i> |
|---------------------------------|----------------------|------------------|-----------------|
| University and College Union | 27 | 73 | 17 |
| Union of Democratic Mineworkers | 34 | 80 | 20 |

In both cases, the members voted in favour of maintaining their political funds. The ballot rules of both the above unions were approved within the period covered by this report.

Political fund resolutions lapsed

- 7.13 During the period no political fund resolutions lapsed.

Political funds of trade unions at 31 March 2009

- 7.14 Detailed statistical information about the political funds of trade unions is set out in Appendix 9. The statistics are derived from the 28 annual returns which were received during the reporting period from unions with political funds. In all cases, the accounting periods of the returns ended between October 2007 and September 2008 (see paragraph 4.1).
- 7.15 The number of returns received within a reporting period is not always the same as the number of political fund resolutions in force at the end of the reporting period (see paragraph 7.11). This is because there are those unions which have recently had their political fund rules approved, but have yet to make returns inclusive of political fund information, and there are other unions which submitted a final return within the reporting period but which, by the end of the period, had ceased to exist. In this reporting year the National Union of Teachers is listed as having a political resolution but had not made a return inclusive of political fund information by the end of the year.
- 7.16 Annual returns received during the period 1 April 2008 to 31 March 2009, show the total income of political funds as £18.11 million compared with £19.48 million reported in the 2007-2008 report, a decrease of 7%. The total expenditure from political funds was £18.76 million as compared with £16.74 million in the preceding year, an increase of 12%. The returns received within the period also show that the total value of political funds during the reporting period was £12.08 million: down £0.24 million (2%) on the £12.33 million contained in the 2007-2008 Report.

Political fund membership

- 7.17 Appendix 9 also gives membership information provided by those unions which

maintained political funds as indicated from the latest annual returns. These returns show that the number of union members contributing to a political fund was 4,403,041 compared with 4,016,232 in the 2007-2008 Report, an increase of 386,809 members or 9.6%. This increase is mainly accounted for by the Public Commercial Services Union reporting for the first time 284,216 contributing members and UNISON – The Public Service Union reporting 85,989 more contributing members this year than last.

Exemption notices

- 7.18 Exemption notices (see paragraph 7.3) are obtainable from the organisation concerned or from the Certification Office. The Office supplied 38 such notices during the period 1 April 2008 to 31 March 2009. The annual returns recorded 1,446,673 members belonging to unions with a political fund who do not make a political fund contribution, either because they have claimed exemption or they belong to a category of membership which, under the rules of the union, does not contribute to the political fund.

Amendments to rules

- 7.19 Amendments to political fund rules require the Certification Officer's approval. Such approval is given provided that the amendments have been adopted in accordance with, and satisfy the requirements of, the 1992 Act. Two trade unions had amendments approved in this way during the period 1 April 2008 to 31 March 2009. They were Unite the Union and GMB.

Political fund complaints

- 7.20 During the period 1 April 2008 to 31 March 2009, 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 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 Certification Officer's website, www.certoffice.org.
- 8.7 When a hearing is held, certain expenses incurred by claimants and their necessary witnesses attending the hearings may be reimbursed by the Office at the discretion of the Certification Officer. During the reporting period such payments amounted to £543.22
- 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 2008 to 31 March 2009 the Certification Officer received seven applications relating to trade union elections one of which was determined by the Certification Officer. The six outstanding applications at the end of the reporting

period are against Unite the Union (two applications); the National Union of Mineworkers (two applications); the Association of School and College Leaders; and UNISON. The application against Solidarity received in the previous reporting period is listed for hearing.

8.12 In addition the Certification Officer received two further enquiries concerning elections about which this office is in correspondence with the enquirers.

8.13 The Certification Officer issued four decisions relating to such elections during the period 1 April 2008 to 31 March 2009. No enforcement orders were issued. The applications determined by the Certification Officer were:

- **Bakhsh v UNISON (No 2) (D/6-10/08)**

The Claimant made a complaint that the union breached section 47(1) of the 1992 Act by unreasonably excluding him from standing for election. The Certification Officer dismissed the complaint.

- **Staunton v UNISON (D/11-12/08)**

The Claimant complained that the Union had breached section 47(1) of the 1992 Act by unreasonably excluding him from standing as a candidate in its NEC elections in 2007. The Certification Officer upheld the complaint but made no enforcement order on the Union on the grounds that the Claimant had since been expelled from the Union and could not stand in any new election.

- **Hicks v Unite the Union (Amicus Section)**

The Claimant alleged a breach of section 46(1) of the 1992 Act, relating to the holding of office of the Joint General Secretary of the Union. The Certification Officer dismissed the complaint on its withdrawal by the Claimant.

- **Simms v Unite the Union (Amicus Section)**

The Claimant alleged that the Union had unreasonably excluded her from standing in its NEC election in 2008 by not providing a nomination form to one of the branches which had sought to nominate her. The Certification Officer dismissed the complaint.

8.14 The decisions in the cases of Bakhsh v UNISON (No 2) and Staunton v UNISON were both appealed to the EAT by the union. In the case of Bakhsh, the EAT upheld the union's appeal that the complaint had been made out of time and that there had been a breach of the union's rules (UKEAT 0375/08/RN) and dismissed the union's appeal in the case of Staunton (UKEAT/0376/08/09).

8.15 Copies of the above decisions of the Certification Officer are available free of charge from the Certification Office. Copies of all decisions reached since 1 August 2001 are available on the Certification Officer's website.

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 Act, may apply to the Certification Officer for a declaration to that effect.

The statutory provisions

- 9.1 Individual trade union members have the right to apply to the Certification Officer if there has been a breach or threatened breach of a trade union’s rules relating to any of the matters set out in section 108A(2) of the 1992 Act. The matters are: –
- “(a) the appointment or election of a person to, or the removal of a person from, any office;*
 - (b) disciplinary proceedings by the union (including expulsion);*
 - (c) the balloting of members on any issue other than industrial action;*
 - (d) the constitution or proceedings of any executive committee or of any decision-making meeting;*
 - (e) such other matters as may be specified in an order made by the Secretary of State.”*
- 9.2 The claimant must be a member of the union or have been a member at the time of the alleged breach or threatened breach. The Certification Officer may not consider an application if the claimant has applied to the court in respect of the same matter. Similarly, once a complaint has been made to the Certification Officer the same matter may not be put to the court.
- 9.3 The Certification Officer may refuse to accept a complaint if he is not satisfied that the claimant has taken all reasonable steps to resolve the claim by the use of any internal complaints procedure of the union.
- 9.4 If the Certification Officer accepts a complaint he is required to make such enquiries as he thinks fit and, before reaching a decision on the complaint, provide the claimant and the trade union with an opportunity to be heard. All hearings before the Certification Officer are held in public.
- 9.5 The Certification Officer must give reasons for his decision in writing and, where he makes the declaration sought, is required to make an enforcement order unless he

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

- (a) to take such steps to remedy the breach, or withdraw the threat of a breach, as may be specified in the order;
- (b) to abstain from such acts as may be so specified with a view to securing that a breach or threat of the same or a similar kind does not occur in future.
- (c) Where an order imposes a requirement on the union as in (a) above, the order must specify the period within which the union must comply with the requirement of the order.

9.6 An enforcement order made by the Certification Officer may be enforced (by any person who is a member of the union and was a member at the time the enforcement order was made) in the same way as an order of the court.

9.7 An appeal on any question of law arising in proceedings before or arising from a determination by the Certification Officer, may be made to the Employment Appeal Tribunal (EAT).

Applications and decisions

9.8 In the period 1 April 2008 to 31 March 2009, the Certification Officer determined seven of the applications (against five unions) that were outstanding at the end of the previous reporting period. Six applications, against four unions, received in the previous period were still the subject of enquiries at the end of this period. In addition nine further applications were not proceeded with.

9.9 In the present reporting period, the Certification Officer received 17 new applications (against five unions) relating to alleged breaches of union rule. After correspondence, one of these applications was not proceeded with. Four of the remaining applications were determined in this reporting period. At 31 March 2009, 11 applications (against four unions) remained outstanding.

9.10 The Certification Officer determined 23 complaints on 12 applications of breach of rule during the period 1 April 2007 to 31 March 2008. Two enforcement orders were issued. In one of the decisions, the Certification Officer used his power under section 256ZA of the 1992 Act to order the complaints to be struck out. Of the complaints determined the following are noteworthy.

- **Bakhsh v UNISON (No 2) (D/6-10/08)**

The Claimant made four complaints that the union had breached its rules in relation to his suspension. The Certification Officer dismissed the breach of statute complaint and two of the complaints of breach of rule but found that the Claimant had been suspended from office in breach of the union's rules. He issued an enforcement order requiring the union to withdraw the suspension. The union later appealed the decision to the EAT and the EAT

upheld the appeal on the grounds that the complaints had been made outside the statutory time-limits and that the Certification Officer had erred in his construction of one of the rules of the union.

- **Staunton v UNISON (D/11-12/08)**
The Claimant complained that the Union had breached its rules by suspending him from office. The Certification Officer dismissed the complaint of breach of rule as being made out of time. In dismissing the union's appeal against a finding of breach of statute the EAT upheld the Certification Officer's construction of another of the union's rules.
- **Pascual v GMB (D/13-14/08)**
The Claimant made two complaints that the union breached a rule relating to the disciplinary procedures which resulted in the Claimant being expelled from the union. The Certification Officer dismissed both complaints.
- **Thurbin v Prison Governors Association (D/15/08)**
The Claimant alleged that the Prison Governors Association had breached its rules in the procedure it used when expelling him from the Union. The Certification Officer upheld the complaint and ordered that his expulsion be set aside.
- **Lally v Union of Construction, Allied Trades and Technicians (D/16/08)**
The Certification Officer rejected the Claimant's claim that the union had breached its rules by allegedly failing to set out clearly the reasons why its General Council had rejected his appeal against a decision of the Executive Council.
- **Finlay v Unite the Union (TGWU Section) (No 2 and 3)(D/19-24/08)**
The Claimant made six complaints that the Union had breached its rules in relation to the management of his branch of the Union. All complaints were dismissed.
- **Roberts v UNISON (No 3) (D/2-6/09)**
The Claimant made five complaints alleging that the Union had breached its rules in relation to disciplinary action being taken against him. The Certification Officer dismissed the complaints.
- **Carabine v Communication Workers Union (No 2) (D/8/09)**
The Claimant alleged a breach of rule relating to his entitlement to stand for election as a lay representative in his branch. The Certification Officer dismissed the complaint.
- **McGinnes v Unite the Union (Amicus Section) (D/10/09)**
The Claimant alleged the Union had breached a rule of the union relating to its disciplinary procedures. The Certification Officer ordered the complaint to be struck out on the grounds that it had no reasonable prospect of success.

- 9.11 As reported in Chapter 8, the decisions in the cases of *Bakhsh v UNISON* and *Staunton v UNISON* were appealed by the union to the EAT (see paragraph 8.13).
- 9.12 Copies of the above decisions and of all decisions of the Certification Officer are available free of charge from the Certification Office and decisions made since 1 August 2001 are also available on the Certification Officer's website, www.certoffice.org.
- 9.13 In the period 1 April 2008 to 31 March 2009, a total of 691 enquiries were received. These fall under the following broad headings:

| | |
|--|-----|
| General advice on the role of the Certification Officer | 68 |
| Appointment, election or dismissal from any office in the union | 48 |
| Disciplinary proceedings within the union | 42 |
| Balloting of union members (other than industrial action) | 60 |
| Constitution or proceedings of a union's executive committee or certain other bodies | 52 |
| Inadequate representation of members by their union | 88 |
| Union benefits or membership issues | 82 |
| Others | 251 |
| Total | 691 |

This is a small decrease of 32 enquiries on the corresponding period in 2007-2008 (see paragraph 9.23 of the 2007-2008 Annual Report).

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

Appendix 1

(see paragraph 1.12)

List of Trade Unions at 31 March 2009

Notes:

Italics denotes a trade union first entered in the list during 1 April 2008 to 31 March 2009.

* Denotes a trade union holding a certificate of independence at 31 March 2009.

(P) Denotes a trade union with a political fund resolution in force at 31 March 2009.

England and Wales

- * Accord
- * Advance
 - Alliance for Finance
- * Aspect (P)
- * Associated Society of Locomotive Engineers and Firemen (P)
 - Associated Train Crew Union
- * Association for Clinical Biochemistry
- * Association for College Management
- * Association of Educational Psychologists
- * Association of Licensed Aircraft Engineers (1981)
- * Association of Local Authority Chief Executives
 - Association of Management and Professional Staffs
- * Association of Principal Fire Officers
- * Association of Professional Ambulance Personnel
- * Association of Professional Music Therapists in Great Britain
- * Association of Revenue and Customs (P)
- * Association of School and College Leaders
 - Association of Somerset Inseminators
- * Association of Teachers and Lecturers

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

- * British Dietetic Association
- * British Medical Association
- * British Orthoptic Society
- * Broadcasting Entertainment Cinematograph and Theatre Union (P)

- * Chartered Society of Physiotherapy
- * Cheshire Building Society Staff Association
- City Screen Staff Forum
- * Communication Workers Union (P)
- * Community (P)
- * Community and District Nursing Association
- * Connect; The Union for Professionals in Communications (P)
- Council of Civil Service Unions
- Currys Supply Chain Staff Association (CSCSA)

- * Dental Practitioners Association
- * Derbyshire Group Staff Union
- * Diageo Staff Association

- * Ellington Branch of the North East Area of the National Union of Mineworkers
- * Engineering Officers Technical Association
- * Equity (Incorporating the Variety Artistes Federation)

- * FDA
- * Federation of Professional Railway Staff
- * Fire Brigades Union (P)
- * Fire Officers Association

- G4S Justice Services Staff Association
- * Gallaher Sales Staff Association
- General Federation of Trade Unions
- * GMB (P)
- * Guild of Professional Teachers of Dance Movement to Music and Dramatic Arts

- Harrods Staff Union
- Headmasters and Headmistresses Conference
- * Hospital Consultants and Specialists Association

Notes:

Italics denotes a trade union first entered in the list during 1 April 2008 to 31 March 2009.
 * Denotes a trade union holding a certificate of independence at 31 March 2009.
 (P) Denotes a trade union with a political fund resolution in force at 31 March 2009.

- * Immigration Service Union
- * Independent Democratic Union
- * Independent Pilots Federation
 - Industrial Workers of the World (IWW) – British Isles
 - Institute of Football Management and Administration
- * Institute of Journalists (Trade Union)
- International Federation of Air Line Pilots Associations
- * Irish Bank Officials Association
- * Lawson Mardon Star Ltd Managerial Staff Association
- Lecturers Employment Advice and Action Fellowship
- LEGION*
- Leeds Building Society Staff Association
- * Leek United Building Society Staff Association
- Leicestershire Overmen Deputies and Shotfirers Association
- * Lloyds TSB Group Union
- Locum Doctors Association
- * Musicians Union (P)
- * NAPO – the Trade Union and Professional Association for Family Court and Probation Staff
- * National Association of Colliery Overmen Deputies and Shotfirers (P)
- * National Association of Colliery Overmen Deputies and Shotfirers (South Wales Area)
- * National Association of Co-operative Officials
- * National Association of Head Teachers
- * National Association of NFU Group Secretaries
- * National Association of Schoolmasters Union of Women Teachers (P)
- * National Association of Stable Staff
- * National Federation of Sub-Postmasters
 - National House Building Council Staff Association
- * National Society for Education in Art and Design
- * National Union of Journalists
- * National Union of Mineworkers (P)
 - National Union of Mineworkers (Cokemens Area)
- * National Union of Mineworkers (Colliery Officials and Staffs Area)
- * National Union of Mineworkers (Colliery Officials and Staffs Area) (Region No. 4)
 - National Union of Mineworkers (Derbyshire Area)
- * National Union of Mineworkers (Leicester Area)
 - National Union of Mineworkers (Midlands Area)
 - National Union of Mineworkers (North Stafford Federation Midlands Area)
 - National Union of Mineworkers (Northumberland Area)
 - National Union of Mineworkers (North Wales Area)
 - National Union of Mineworkers (South Wales Area)
- * National Union of Rail Maritime and Transport Workers (P)
- * National Union of Teachers (P)
- * Nationwide Group Staff Union
- * Nautilus UK

NISA

North of England Zoological Society Staff Association

Palm Paper Staff Association

PDA Union, The

* POA (P)

* Prison Governors Association

* Prison Service Union

* Professional Association of Cabin Crew Employees

Professional Cricketers Association

Professional Footballers Association

Professional Rugby Players Association

* Prospect (P)

* Public and Commercial Services Union (P)

* Retail Book Stationery and Allied Trades Employees Association

* Retained Firefighters Union

* Retired Officers Association

* Royal College of Midwives

* Royal College of Nursing of the United Kingdom

RSPB Staff Association

Scarborough Building Society Staff Association (SOCASS)

Shield Guarding Staff Association

* Skipton Staff Association

* Society of Authors Limited

* Society of Chiropodists and Podiatrists

* Society of Radiographers

* Society of Union Employees (UNISON)

Solidarity

* Staff Association of Bank of Baroda (UK Region)

* Staff Union West Bromwich Building Society

* Transport Salaried Staffs Association (P)

* UBAC

UDW

* UFS

* Undeb Cenedlaethol Athrawon Cymru (National Association of Teachers of Wales)

* Union of Construction Allied Trades and Technicians (P)

Union of Country Sports Workers

Notes:

Italics denotes a trade union first entered in the list during 1 April 2008 to 31 March 2009.

* Denotes a trade union holding a certificate of independence at 31 March 2009.

(P) Denotes a trade union with a political fund resolution in force at 31 March 2009.

- * Union of Democratic Mineworkers (P)
- Union of General & Volunteer Workers
- * Union of Shop Distributive and Allied Workers (P)
- * UNISON – The Public Service Union (P)
- * United Road Transport Union
- * Unite the Union (P)
- * Unity (P)
- * University and College Union (P)

* Voice

Warwick International Staff Association

Welsh Rugby Players Association

Whatman Staff Association

Workers Uniting

- * Writers Guild of Great Britain

- * Yorkshire Independent Staff Association

Scotland

- * Aegis; The Aegon UK Staff Association
- * Association of Head Teachers and Deputies in Scotland

- * Educational Institute of Scotland (P)

Independent Federation of Nursing in Scotland

- * National Union of Mineworkers (Colliery Officials and Staffs Area) Scottish Region No. 8

- * Prison Staff Association

Scottish Artists Union

- * Scottish Carpet Workers Union

- * Scottish Secondary Teachers Association

- * Staff Union Dunfermline Building Society

- * United and Independent Union

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 2009

Notes:

Italics denotes a trade union first entered in the schedule during 1 April 2008 to 31 March 2009.

(P) Denotes a trade union with a political fund resolution in force at 31 March 2009.

‡ 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

Energy and General Workers Union (P)

Federation of Entertainment Unions

General Workers Union

Ice Hockey Players Association (Great Britain)

International Federation of Actors

International Transport Workers Federation

National Union of Mineworkers (North East Area)

NFU Staff Association

Society of Local Council Clerks

Society of Registration Officers (Births, Deaths and Marriages)

Trades Union Congress

Scotland

National Union of Mineworkers (Scotland Area)

National Union of Mineworkers (Scottish Area)

Professional Footballers Association Scotland

Scottish Colliery Enginemens Boilermen and Tradesmens Association

Appendix 2

(See paragraph 1.12)

List of Employers' Associations at 31 March 2009

Notes:

Italics Denotes an employers' association first entered in the list during 1 April 2008 to 31 March 2009.

Advertising Producers Association

Association of British Orchestras

Association of Circus Proprietors of Great Britain

Association of Indian Banks in the United Kingdom

Association of Newspaper and Magazine Wholesalers

Association of Plumbing and Heating Contractors

Birmingham Wholesale Fresh Produce Association

British Amusement Catering Trades Association

British Clothing Industry Association Limited

British Glove Association

British Lace Federation

British Marine Federation – East Anglia

British Precast Concrete Federation Limited

British Printing Industries Federation

Builders Merchants Federation

Cinema Exhibitors Association Ltd

Construction Confederation

Construction Plant-Hire Association

Co-operative Employers Association

East of England Regional Assembly

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

Heating and Ventilating Contractors Association

Lancashire Textile Manufacturers Association

Lancaster Morecambe and South Lakeland Master Plumbers Association

Leather Producers Association

Local Government East Midlands

Local Government Yorkshire and Humber

London Councils

Mastic Asphalt Council

National Association of Farriers Blacksmiths and Agricultural Engineers

National Association of Master Bakers

National Employers Organisation for Local Government Services

National Farmers Union

National Federation of Retail Newsagents

National Hairdressers Federation

National Pharmacy Association Ltd

National Trainers Federation

Newspaper Society

North East Regional Employers Organisation for Local Authorities

Producers Alliance for Cinema and Television

Publishers Association

Retail Motor Industry Federation Ltd

Showmens Guild of Great Britain

Smithfield Market Tenants Association London

South East Employers

South Western Provincial Employers Organisation

Thermal Insulation Contractors Association

Vehicle Builders and Repairers Association Limited

West Midlands Local Government Association

Yorkshire Glass Manufacturers Association

Scotland

British Packaging Association

Electrical Contractors Association of Scotland

Employers in Voluntary Housing Limited

Malt Distillers Association of Scotland

NFU Scotland

Scottish Decorators Federation

Scottish Engineering

Scottish Newspaper Publishers Association

Scottish and Northern Ireland Plumbing Employers Federation

Scottish Print 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 2009

England and Wales

Association of Colleges

B F M Limited
British Ceramic Confederation
British Footwear Association
British Jewellery Giftware and Finishing Federation
British Narrow Fabrics Association
British Travelgoods and Accessories Association

Chemical Industries Association Ltd
Confederation of British Wool Textiles Limited
Confederation of Paper Industries Ltd
Corrugated Packaging Association
Covent Garden Tenants Association Limited

Dairy UK

Felt Roofing Contractors Employers Association
Fencing Contractors Association
Freight Transport Association

Incorporated Guild of Hairdressers Wigmakers and Perfumers

Kaolin and Ball Clay Association (UK)

London Association of Funeral Directors
London Fish Merchants Association (Billingsgate) Limited

Master Carvers Association
Metal Packaging Manufacturers Association

National Bedding Federation Limited

National Federation of Roofing Contractors Ltd
North Western Local Authorities Employers Organisation

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

Screen Printing Association (UK) Ltd
Sheffield Spoon and Fork Blank Manufacturers Association
Society of London Theatre “SOLT”

Theatrical Management Association Ltd
Tobacco Industry Employers Association

Universities and Colleges Employers Association

Scotland

Aberdeen Fish Curers and Merchants Association Ltd
Angus and Kincardine Master Plumbers Association
Argyll Building Trades Employers Association
Ayrshire and South West Association of the Scottish Building Employers Federation

Banff and Moray Master Plumbers Association

Dumbarton and District Master Wrights and Builders Association
Dundee and District Master Plumbers Association

Edinburgh and District Master Builders Association

Fife and Kinross Master Plumbers Association
Forth Valley Building Trades Employers Association

Glasgow and West of Scotland Plumbing Employers Association
Grampian Building Employers Association

Highland Building Employers 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
Scottish Building – Dundee and Angus
Scottish Building – Fife Association
Scottish Building Glasgow & District Association
Scottish Building – Moray District
Scottish Building Orkney Association
Scottish Building – Perth and District
Scottish Building – Renfrewshire and Inverclyde Association
Scottish Federation of Meat Traders Association
Scottish Master Slaters and Roof Tilers Association
Scottish Motor Trade Association Limited
Scottish Wholesale Association
SNIPEF Edinburgh and District Branch

Western Isles Building Employers Association

Appendix 3

(see paragraph 2.8 – 2.11)

Decisions on Trade Union Independence during the period 1 April 2008 to 31 March 2009

Certificates of independence issued

Aegis; The Aegon UK Staff Association

Certificates of independence refused

None

Certificates of independence withdrawn

None

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

National Association of Colliery Overmen Deputies and Shotfirers (Scottish Area)

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

British Union of Social Work Employees

Offshore Industry Liaison Committee

Applications in progress

Associated Train Crew Union

Workers Uniting

Appendix 4

Summary of Statistics – Trade Unions, returns received during the period 1 April 2008 to 31 March 2009

The annual returns completed by trade unions for the Certification Officer require the accounts to be shown in a particular way. The figures used in this Appendix are taken from the summary sheets of these annual returns and provide a simple analysis of each union's financial affairs for the year. Individual annual returns are available on the website or may be viewed at, or copies obtained from, the Certification Office.

The information in the table relates to returns received during the reporting period. Although a large proportion of these returns are for the year ending 31 December 2007, the table includes returns from trade unions with year ending dates ranging from October 2007 to September 2008 and therefore due in this Office between 1 April 2008 and 31 March 2009.

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 may be 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.

Summary of Statistics – Trade Unions, 2007-2008

(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 | 1,952,226 | 102,341 | 6,019 | 4,139 | 112,499 |
| UNISON: The Public Service Union | 1,344,000 | 158,687 | 5,001 | 13,272 | 176,960 |
| GMB | 590,125 | 50,399 | 1,468 | 40,302 | 92,169 |
| Royal College of Nursing of the United Kingdom | 393,865 | 26,523 | 0 | 763 | 27,286 |
| National Union of Teachers | 374,170 | 28,000 | 1,738 | 5,266 | 35,004 |
| Union of Shop Distributive and Allied Workers | 356,046 | 27,796 | 2,678 | 5,225 | 35,699 |
| National Association of Schoolmasters Union of Women Teachers | 313,350 | 23,281 | 747 | 2,894 | 26,922 |
| Public and Commercial Services Union | 304,829 | 30,530 | 2,283 | 2,175 | 34,988 |
| Communication Workers Union | 236,679 | 28,725 | 638 | 342 | 29,705 |
| Association of Teachers and Lecturers | 208,568 | 12,623 | 477 | 1,754 | 14,854 |
| British Medical Association | 138,359 | 35,894 | 4,800 | 58,152 | 98,846 |
| Union of Construction Allied Trades and Technicians | 129,065 | 7,037 | 258 | 272 | 7,567 |
| University and College Union | 117,597 | 15,277 | 626 | 884 | 16,787 |
| Prospect | 102,695 | 12,194 | 747 | 314 | 13,255 |
| Total for above unions with 100,000 members or more | 6,561,574 | 559,307 | 27,480 | 135,754 | 722,541 |
| Total for 156 other listed unions with less than 100,000 members | 1,089,987 | 160,060 | 16,279 | 66,001 | 242,340 |
| Total for listed unions | 7,651,561 | 719,367 | 43,759 | 201,755 | 964,881 |
| Trades Union Congress | 0 | 14,429 | 4,160 | 25,103 | 43,692 |
| Total for 14 other unlisted unions which have submitted returns | 4,595 | 4,846 | 2,795 | 24,165 | 31,806 |
| Total for all unions 2007-2008 | 7,656,156 | 738,642 | 50,714 | 251,023 | 1,040,379 |
| Total for all unions 2006-2007 | 7,627,693 | 766,563 | 55,527 | 253,363 | 1,075,453 |

Notes – see previous page

Appendix 4

| GROSS EXPENDITURE | TOTAL FUNDS | | GROSS ASSETS | | | | |
|--|---|---|--------------------------------------|--|---------------------------------------|---------------------------------------|--|
| Total Expenditure (c) £000's (6) | Beginning of the Year £000's (7) | End of the Year £000's (8) | Fixed Assets £000's (9) | Investment Assets £000's (10) | Other Assets £000's (11) | Total Assets £000's (12) | Total Liabilities £000's (13) |
| 100,908 | 228,989 | 240,580 | 136,527 | 104,787 | 61,860 | 303,174 | 62,594 |
| 151,975 | 114,667 | 139,652 | 54,837 | 3,231 | 119,526 | 177,594 | 37,942 |
| 51,341 | (24,367) | 16,461 | 15,542 | 18,051 | 14,153 | 47,746 | 31,285 |
| 27,286 | 0 | 0 | 0 | 0 | 7,285 | 7,285 | 7,285 |
| 30,328 | 16,080 | 20,756 | 5,316 | 5,705 | 11,381 | 22,402 | 1,646 |
| 35,631 | 17,842 | 17,910 | 10,475 | 23,353 | 6,263 | 40,091 | 22,181 |
| 24,277 | 25,425 | 28,070 | 17,306 | 12,506 | 3,421 | 33,233 | 5,163 |
| 32,396 | 31,654 | 34,246 | 11,824 | 13,532 | 10,880 | 36,236 | 1,990 |
| 26,620 | 22,032 | 25,117 | 12,401 | 7,637 | 15,806 | 35,844 | 10,727 |
| 13,930 | 9,078 | 10,002 | 5,301 | 3,534 | 5,583 | 14,418 | 4,416 |
| 87,840 | 120,924 | 131,930 | 16,433 | 123,593 | 32,506 | 172,532 | 40,602 |
| 4,651 | 7,831 | 10,747 | 5,880 | 19 | 6,474 | 12,373 | 1,626 |
| 21,726 | 4,145 | (794) | 20,601 | 558 | 3,739 | 24,898 | 25,692 |
| 8,582 | 25,475 | 30,148 | 14,261 | 11,694 | 2,270 | 28,225 | (1,923) |
| 617,491 | 599,775 | 704,825 | 326,704 | 328,200 | 301,147 | 956,051 | 251,226 |
| 213,354 | 328,502 | 357,488 | 106,297 | 218,142 | 116,019 | 440,458 | 82,970 |
| 830,845 | 928,277 | 1,062,313 | 433,001 | 546,342 | 417,166 | 1,396,509 | 334,196 |
| 42,141 | 3,950 | 5,501 | 2,607 | 65 | 22,782 | 25,454 | 19,953 |
| 25,422 | 59,947 | 66,331 | 5,188 | 39,544 | 34,699 | 79,431 | 13,100 |
| 898,408 | 992,174 | 1,134,145 | 440,796 | 585,951 | 474,647 | 1,501,394 | 367,249 |
| 872,261 | 738,748 | 941,940 | 379,418 | 544,345 | 420,216 | 1,343,979 | 402,039 |

Appendix 5

(see paragraph 4.15)

Salary and Benefits of Trade Union General Secretaries

| England and Wales | | £ Salary | £ Benefits |
|--|--|-------------|-----------------|
| | <i>Title</i> (General Secretary unless stated) | | |
| Accord | | 101,130 (a) | 23,871 |
| Advance | | 22,437 | 8,474 |
| Alliance for Finance | | 4,709 | |
| Ambulance Service Union | | | 5,500 (b) |
| Aspect | 65,748 | | |
| Associated Society of Locomotive Engineers and Fireman | | 71,381 | 43,997 |
| Association for College Management | | 84,152 | 11,204 |
| Association of School and College Leaders | | 100,576 | 18,238 |
| Association of Educational Psychologists | | 52,733 | 10,477 |
| Association of Professional Music Therapists in Great Britain | Chairperson | 2,512 (c) | |
| Association of Teachers and Lecturers | | 102,132 | 22,508 |
| Association of Trade Union, Political & Public Sector Staff | | 100 | |
| Bakers, Food and Allied Workers' Union | | 40,801 | 16,244 |
| Boots Pharmacists' Association (BPA) | Chief Executive | | 6,500 (b) |
| British Air Line Pilots Association | | 101,400 | 24,464 |
| Britannia Staff Union | | 12,500 (d) | |
| British Association of Colliery Management | | 67,143 | 8,789 |
| British Association of Dental Nurses | Chief Executive | 28,722 | 1,431 |
| British Association of Journalists | | 18,222 | 635 |
| British Association of Occupational Therapists Ltd | | 71,000 (e) | 15,265 (e) |
| British Dental Association | Chief Executive | 119,145 | 64,449 |
| British Medical Association | Chairman | | 101,138 (b) (f) |
| British Union of Social Work Employees | | 8,690 | 817 |
| Broadcasting Entertainment Cinematograph and Theatre Union | | 56,630 | 15,486 |
| Chartered Society of Physiotherapy | Chief Executive | 84,445 | 21,111 |
| Communication Workers Union | | 83,530 | 14,858 |
| Community | | 83,166 | 28,622 |

| | | | |
|--|-----------------|----------------|-----------|
| Community and District Nursing Association | Chief Executive | 60,000 | 3,567 |
| Confederation of Shipbuilding and Engineering Unions | | 67,486 | |
| Connect; The Union for Professionals in Communications | | 75,424 | 12,496 |
| Dental Practitioners Association | Chief Executive | 63,005 | 2,000 |
| Equity (Incorporating the Variety Artists' Federation) | | 66,776 | 12,634 |
| FDA | | 83,769 | 29,738 |
| Federation of Entertainment Unions | Secretary | 12,925 | |
| Fire Brigades Union | | 66,389 | 49,415 |
| Fire Officers' Association | Chief Executive | 31,216 | 2,219 |
| G4S Justice Services Staff Association | | 29,392 | 3,140 |
| General Federation of Trade Unions | | 57,886 | 27,174 |
| GMB | | 81,000 | 34,000 |
| Guild of Professional Teachers of Dance, Music to Movement and Dramatic Arts | | 11,500 | |
| Headmasters' and Headmistresses' Conference | | 103,403 | 1,110 |
| Hospital Consultants and Specialists Association | Chief Executive | 72,196 | 4,434 |
| Immigration Service Union | | 6,782 | |
| Independent Democratic Union | | 44,037 | 4,800 |
| Independent Pilots Federation | | 19,457 | |
| Institute of Football Management and Administration | | 9,208 | |
| Institute of Journalists (Trade Union) | | 33,600 | 2,057 |
| International Federation of Actors | | 51,908 | 6,784 |
| International Transport Workers Federation | | 93,118 | 15,168 |
| Irish Bank Officials Association | | €143,452 | €62,813 |
| Lecturers Employment Advice and Action Fellowship | | 8,657 | |
| Lloyds TSB Group Union | | 95,550 | 50,598 |
| Musicians Union | | 80,519 | 30,321 |
| NAPO – The Trade Union and Professional Association for Family Court and Probation Staff | | 57,301 | 7,623 |
| National Association of Colliery Overmen, Deputies and Shotfirers | | 244,919 (c)(g) | 5,449 (c) |

| | | | |
|---|-----------------|-------------|------------|
| National Association of Colliery Overmen, Deputies and Shotfirers (South Wales Area) | | 45,232 | |
| National Association of Co-operatives Officials | | 68,488 | 12,843 |
| National Association of Head Teachers | | 100,505 | 26,313 |
| National Association of NFU Group Secretaries | | | 6,924 (b) |
| National Association of Schoolmasters Union of Women Teachers | | 91,781 | 25,400 |
| National Association of Stable Staff | Chief Executive | 12,750 | |
| National Federation of Sub-Postmasters | | 79,852 (c) | 84,023 (c) |
| National Society for Education in Art and Design | | 46,737 | 6,589 |
| National Union of Journalists | | 60,910 | 6,720 |
| National Union of Mineworkers | | 47,286 (c) | 16,593 (c) |
| National Union of Mineworkers (Cokeman's Area) | | 30,584 | 501 |
| National Union of Mineworkers (Colliery Officials and Staff Area) Region No 4 | | 23,426 | 1,643 |
| National Union of Mineworkers (Derbyshire Area) | | 51,274 | 23,998 |
| National Union of Mineworkers (Leicester Area) | | 29,569 | 2,694 |
| National Union of Mineworkers (North East Area) | | 54,982 | 6,382 |
| National Union of Mineworkers (North Wales Area) | | 25,114 | 1,470 |
| National Union of Mineworkers (Northumberland Area) | | 53,553 (h) | 17,382 (h) |
| National Union of Mineworkers North Stafford Federation (Midlands Area) | | 19,723 | |
| National Union of Mineworkers (South Wales Area) | | 45,576 | |
| National Union of Rail, Maritime and Transport Workers | | 79,564 | 26,115 |
| National Union of Teachers | | 99,846 | 24,637 |
| Nationwide Group Staff Union | | 92,004 | 32,813 |
| Nautilus UK | | 74,550 | 14,542 |
| NISA | | 47,046 | 9,435 |
| POA | | 63,275 | 59,783 |
| Prison Service Union | | 78,600 | 19,453 |
| Professional Cricketers Association | Chief Executive | 114,630 (i) | 21,009 (i) |
| Professional Footballers' Association | | 824,730 | 31,277 |
| Professional Rugby Players Association | | 72,450 | |
| Prospect | | 95,750 | 18,517 |
| Public and Commercial Services Union | | 82,094 | 29,018 |
| Retail Book Stationery and Allied Trades Employees Association | President | 34,816 | 7,036 |
| Retained Firefighters Union | | 52,416 (c) | 4,760 (c) |
| Retired Officers Association | | 531 | |
| Royal College of Midwives | | 111,006 (j) | 41,072 (j) |
| Royal College of Nursing in the United Kingdom | | 111,800 (k) | |
| RSPB Staff Association | Chair | 750 | |

| | | |
|--|----------------------------|---------------|
| Shield Guarding Staff Association | 23,816 | 387 |
| Society of Authors Limited | 86,050 | 41,404 |
| Society of Chiropodists and Podiatrists | 67,456 | 5,479 |
| Society of Local Council Clerks | Chief Executive 51,230 (c) | 6,896 |
| Society of Radiographers | 39,760 (l) | 4,428 (l) |
| Trades Union Congress | 89,671 | 23,438 |
| Transport Salaried Staffs Association | 63,585 | 13,035 |
| UBAC | 44,550 | 5,878 |
| UDW | | 11,150 (m) |
| UFS | 93,811 | 28,621 |
| Undeb Cenedlaethol Athrawon Cymru (The National Association of Teachers of Wales) | 42,591 | 7,290 |
| Union of Construction, Allied Trades and Technicians | 66,133 | 13,991 |
| Union of Democratic Mineworkers | 105,984 (n) | 67,836 (n) |
| Union of Shop Distributive and Allied Workers | 81,742 | 22,921 |
| UNISON: The Public Service Union | 92,187 | 35,249 |
| Unite the Union | | (o) |
| (Amicus Section) | 62,077 (p)(q) | 58,251 (p)(q) |
| (TGWU Section) | 59,533 (p) | 12,912 (p) |
| United Road Transport Union | 55,546 | 23,069 |
| Unity | 40,121 | 23,906 |
| University and College Union | 91,770 | 15,012 |
| Voice | 62,798 | 3,507 |
| Welsh Rugby Players Association | 72,000 | |
| Writers Guild of Great Britain | 40,000 | 4,500 |

Scotland

| | | |
|---|------------|-----------|
| Association of Head Teachers and Deputes in Scotland | 45,339 | 5,114 |
| Educational Institute of Scotland | 87,224 | 23,452 |
| Independent Federation of Nursing in Scotland | 18,024 | |
| National Union of Mineworkers (Scottish Area) | 52,265 | 12,823 |
| Offshore Industry Liaison Committee | 46,666 (r) | 1,965 (r) |
| Scottish Carpet Workers Union | 256 | |
| Scottish Secondary Teachers Association | 74,106 | 79,488 |
| United and Independent Union | 7,155 | |

Notes:

- (a) £13,848 of salary is a bonus payment
- (b) Honorarium
- (c) Total paid in respect of two people holding office of general secretary within the period and is not the sum paid to one individual
- (d) Part reimbursement of seconded salary
- (e) Payment made to General Secretary's employer in respect of her services
- (f) This amount represents the total honoraria paid to two people, each of whom held the office of general secretary for part of the year
- (g) This figure includes, as a substantial proportion, a redundancy/termination payment in respect of the outgoing General Secretary
- (h) 40% of General Secretary's salary (including pension and employer's national insurance contributions) is charged to the Provident and Benevolent Fund
- (i) The Chief Executive's salary and benefits are associated with all aspects off the PCA Group and not just the trade union
- (j) The General Secretary's salary and benefits are associated with all aspects of the College and not just the trade union
- (k) Includes payments made in respect of the General Secretary's role in the associated charitable trust
- (l) Represents 50% of total salary and benefits, the other 50% is included in the College of Radiographers accounts
- (m) Consultancy fees
- (n) £94,128 of salary and £67,381 of benefits is paid in respect of the position of the President of the Nottingham Section of the UDM
- (o) Unite the Union has Joint general secretaries
- (p) Payment made for a period of less than 12 months
- (q) These figures are different to those originally submitted by the Union in its annual return for the relevant period. This was due to the Union providing incorrect figures in that return. The differences are explained in a separate note which has been attached to that return.
- (r) Payment made for a period of more than 12 months

Appendix 6

Summary of Statistics – Employers’ Associations, returns received during the period 1 April 2008 to 31 March 2009

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 2007, the table includes returns from employers’ associations with year ending dates ranging from October 2007 to September 2008 and therefore due in this Office between 1 April 2008 and 31 March 2009.

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.
- (d) Individually each of the Associations has reported a total income less than £2.5m.

Summary of Statistics – Employers’ Associations, 2007-2008

(see paragraph 4.16)

| | GROSS INCOME | | | | GROSS EXPENDITURE |
|--|--------------|------------------|--------------|---------------|-------------------|
| | From Members | From Investments | Other Income | Total Income | |
| | £000's | (a) £000's | £000's | (b) £000's | (b) £000's |
| Employers' Associations with over £2,500,000 total income | (1) | (2) | (3) | (4) | (5) |
| EEF West Midlands Association | 2,098 | 298 | 6,507 | 8,903 | 10,255 |
| Engineering Employers Federation | 4,103 | 2,680 | 1,734 | 8,517 | 10,985 |
| EEF South | 1,713 | 158 | 6,488 | 8,359 | 8,333 |
| EEF North West | 1,426 | 102 | 2,237 | 3,766 | 4,045 |
| Engineering Employers Sheffield Association (South Yorkshire and North Midlands) | 1,053 | 21 | 2,545 | 3,619 | 3,972 |
| EEF East Midlands & Mid-Anglia Association | 1,356 | 0 | 1,825 | 3,181 | 3,122 |
| EEF Western | 1,369 | 33 | 1,177 | 2,578 | 2,585 |
| Engineering Construction Industry Federation | 1,916 | 257 | 332 | 2,504 | 2,059 |
| 3 Other Engineering Employers Associations in Great Britain (d) | 2,008 | 131 | 1,202 | 3,341 | 3,270 |
| England and Wales Cricket Board Limited | 0 | 1,522 | 93,891 | 95,413 | 86,188 |
| National Farmers Union | 23,367 | 2,783 | 8,212 | 34,362 | 26,143 |
| Freight Transport Association Limited | 25,355 | 135 | 1,934 | 27,424 | 22,303 |
| Electrical Contractors Association | 3,430 | 2,738 | 18,546 | 24,714 | 22,794 |
| Heating and Ventilating Contractors Association | 3,650 | 1,434 | 9,294 | 14,378 | 13,209 |
| Road Haulage Association Limited | 2,950 | 157 | 3,817 | 6,924 | 6,727 |
| British Printing Industries Federation | 3,229 | 845 | 2,768 | 6,842 | 7,695 |
| National Pharmacy Association Ltd | 4,341 | 334 | 1,839 | 6,514 | 5,214 |
| Chemical Industries Association Limited | 4,026 | 138 | 1,698 | 5,862 | 5,496 |
| National Federation of Retail Newsagents | 4,899 | 129 | 191 | 5,219 | 4,626 |
| Society of London Theatre “SOLT” | 525 | 83 | 4,521 | 5,129 | 5,117 |
| East of England Regional Assembly | 1,079 | 173 | 3,766 | 5,018 | 5,242 |
| Federation of Master Builders | 4,825 | 78 | 114 | 5,017 | 4,932 |
| Newspaper Society | 3,057 | 161 | 1,538 | 4,756 | 3,225 |
| Association of Colleges | 3,067 | 180 | 1,331 | 4,578 | 3,533 |
| Glass and Glazing Federation | 1,019 | 2,134 | 533 | 3,686 | 1,772 |
| British Jewellery Giftware and Finishing Federation | 724 | 424 | 2,008 | 3,156 | 3,228 |
| Dairy UK | 1,272 | 496 | 1,214 | 2,982 | 2,478 |
| Electrical Contractors Association of Scotland | 1,283 | 351 | 1,150 | 2,784 | 2,061 |
| West Midlands Local Government Association | 1,474 | 54 | 1,245 | 2,773 | 5,002 |

Appendix 6

| TOTAL FUNDS | | GROSS ASSETS | | | | Total Liabilities | Number of Members |
|---|----------------------------------|-------------------------------|------------------------------|--------------------------------|--------------------------------|-------------------|-------------------|
| Beginning of the Year (c) £000's (6) | End of the Year £000's (7) | Fixed Assets £000's (8) | Investments £000's (9) | Other Assets £000's (10) | Total Assets £000's (11) | | |
| 7,125 | 5,773 | 9,285 | 1,295 | 3,356 | 13,936 | 8,163 | 832 |
| 37,448 | 34,980 | 2,269 | 2,340 | 37,903 | 42,512 | 7,532 | 13 |
| 3,121 | 3,147 | 1,305 | 1,172 | 1,739 | 4,216 | 1,069 | 383 |
| 2,824 | 2,545 | 1,264 | 0 | 3,690 | 4,953 | 2,408 | 875 |
| 832 | 479 | 835 | 0 | 833 | 1,668 | 1,190 | 623 |
| 3,218 | 3,277 | 1,371 | 0 | 2,196 | 3,567 | 289 | 358 |
| 1,777 | 1,771 | 388 | 493 | 2,171 | 3,052 | 1,282 | 713 |
| 3,456 | 3,901 | 14 | 408 | 5,163 | 5,585 | 1,684 | 256 |
| 2,268 | 2,339 | 558 | 322 | 2,905 | 3,785 | 1,446 | 723 |
| 12,227 | 21,452 | 226 | 31,494 | 18,814 | 50,534 | 29,082 | 187 |
| 81,967 | 90,186 | 16,007 | 78,923 | 5,741 | 100,671 | 10,485 | 115,123 |
| (6,097) | (976) | 2,186 | 0 | 10,458 | 12,644 | 13,620 | 14,239 |
| 55,178 | 57,098 | 9,187 | 71,054 | 8,833 | 89,074 | 31,976 | 2,910 |
| 4,507 | 5,676 | 811 | 2,219 | 12,214 | 15,244 | 9,568 | 1,376 |
| 4,480 | 4,677 | 2,162 | 0 | 3,626 | 5,788 | 1,111 | 9,136 |
| 388 | (465) | 1,038 | 479 | 1,934 | 3,451 | 3,916 | 1,936 |
| 4,963 | 6,263 | 4,015 | 5 | 7,317 | 11,337 | 5,074 | 3,929 |
| (174) | 192 | 24 | 62 | 2,613 | 2,699 | 2,507 | 134 |
| 5,038 | 5,631 | 1,987 | 1,953 | 3,862 | 7,802 | 2,171 | 18,096 |
| 292 | 304 | 2,004 | 0 | 13,268 | 15,272 | 14,968 | 172 |
| 1,502 | 1,278 | 553 | 0 | 4,178 | 4,731 | 3,453 | 105 |
| 4,101 | 4,187 | 4,395 | 0 | 2,101 | 6,496 | 2,310 | 13,014 |
| 1,493 | 3,024 | 153 | 1,588 | 2,536 | 4,277 | 1,253 | 148 |
| 509 | 1,554 | 151 | 0 | 4,607 | 4,758 | 3,204 | 381 |
| 1,749 | 3,663 | 539 | 350 | 3,554 | 4,443 | 780 | 511 |
| 9,980 | 9,908 | 628 | 8,806 | 1,373 | 10,807 | 899 | 2,564 |
| 4,990 | 5,494 | 4,147 | 372 | 2,479 | 6,998 | 1,504 | 693 |
| 3,033 | 3,756 | 2,512 | 50 | 1,752 | 4,314 | 558 | 1,109 |
| (2,885) | (5,114) | 64 | 0 | 1,447 | 1,511 | 6,625 | 75 |

Summary of Statistics – Employers’ Associations, 2007-2008 cont.

(see paragraph 4.16)

| | GROSS INCOME | | | | GROSS EXPENDITURE |
|---|----------------|------------------|----------------|----------------|-------------------|
| | From Members | From Investments | Other Income | Total Income | |
| | £000's | (a) £000's | £000's | (b) £000's | (b) £000's |
| Employers' Associations with over £2,500,000 total income | (1) | (2) | (3) | (4) | (5) |
| Producers Alliance for Cinema and Television | 2,098 | 66 | 572 | 2,736 | 2,472 |
| British Footwear Association | 55 | 12 | 2,622 | 2,689 | 2,600 |
| Retail Motor Industry Federation Limited | 2,035 | 211 | 343 | 2,589 | 3,022 |
| Total for above Employers' Associations | 114,803 | 18,318 | 187,193 | 320,314 | 293,705 |
| Total for 50 other listed Employers' Associations | 16,068 | 1,525 | 11,508 | 29,101 | 30,489 |
| Total 56 other unlisted Employers' Associations | 6,231 | 904 | 7,228 | 14,363 | 14,009 |
| Total for all Employers' Associations 2007-2008 | 137,102 | 20,747 | 205,929 | 363,778 | 338,203 |
| Total for all Employers' Associations 2006-2007 | 136,545 | 34,319 | 203,936 | 374,800 | 307,297 |

Appendix 6

| TOTAL FUNDS | | GROSS ASSETS | | | | Total Liabilities | Number of Members |
|---|----------------------------------|-------------------------------|------------------------------|--------------------------------|--------------------------------|-------------------|-------------------|
| Beginning of the Year (c) £000's (6) | End of the Year £000's (7) | Fixed Assets £000's (8) | Investments £000's (9) | Other Assets £000's (10) | Total Assets £000's (11) | | |
| 747 | 1,011 | 33 | 75 | 1,609 | 1,717 | 706 | 492 |
| 702 | 791 | 155 | 528 | 627 | 1,310 | 519 | 73 |
| 22,588 | 22,155 | 5,382 | 0 | 17,833 | 23,215 | 1,060 | 6,677 |
| 273,347 | 299,956 | 75,647 | 203,989 | 192,732 | 472,369 | 172,413 | 197,856 |
| 42,307 | 40,919 | 20,687 | 31,374 | 19,048 | 71,109 | 30,190 | 18,940 |
| 9,540 | 9,894 | 3,205 | 3,174 | 9,247 | 15,626 | 5,732 | 7,658 |
| 325,194 | 350,769 | 99,539 | 238,537 | 221,027 | 559,104 | 208,335 | 224,454 |
| 237,877 | 305,374 | 91,608 | 226,527 | 171,636 | 489,771 | 184,390 | 228,585 |

Appendix 7

(see paragraph 5.4)

Trade Unions Maintaining Members' Superannuation Schemes at 31 March 2009

Note: an asterix denotes schemes exempt from the need for actuarial examination (see paragraph 5.5). The Unite the Union: Transport and General Workers Union scheme is exempt but is audited within 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 (Amicus Section): (5 schemes listed below)

AEEU Section Superannuation Scheme

Sheet Metal Workers Superannuation Fund

Litho Printers' Section Superannuation Fund

Plate Preparers' Section Superannuation Fund*

Printing Machine Branch Superannuation Fund

Unite the Union (TGWU Section) (Members' Superannuation Scheme):*

Appendix 8

(see paragraphs 6.10 to 6.11)

Mergers completed during the period 1 April 2008 to 31 March 2009

Trade Union Transfers of Engagement

| <i>Engagements transferred from</i> | <i>To</i> | <i>Transfer registered on</i> |
|--|---|-------------------------------|
| British Union of Social Work Employees | Community | 14 April 2008 |
| Offshore Industry Liaison Committee | National Union of Rail Maritime and Transport Workers | 23 April 2008 |

Trade Union Amalgamations

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

Employers' Association Transfers of Engagement

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

Employers' Association Amalgamations

| <i>Amalgamating employers' associations</i> | <i>Forming</i> | <i>Amalgamation registered on</i> |
|--|----------------|-----------------------------------|
| EEF East Midlands & Mid-Anglia Association EEF North West EEF Northern Association EEF South EEF West Midlands Association Engineering Employers East Anglian Association Engineering Employers Federation EEF Yorkshire and Humberside Sheffield Association (South Yorkshire and North Midlands) | EEF | 1 October 2008 |

Appendix 9

Political Funds of Trade Unions, 2007-2008

(See Paragraph 7.14)

| | Number of Members contributing to the Political Fund (1) | Number of Members not contributing to the Political Fund (2) |
|---|--|--|
| Aspect | 3,636 | 234 |
| Associated Society of Locomotive Engineers and Firemen | 15,788 | 2,108 |
| Association of Revenue and Customs | 2,547 | 77 |
| Bakers Food and Allied Workers Union | 22,658 | 1,064 |
| Broadcasting Entertainment Cinematograph and Theatre Union | 25,465 | 745 |
| Communication Workers Union | 195,770 | 40,909 |
| Community | 28,053 | 3,833 |
| Connect: The Union for Professionals in Communications | 14,415 | 4,901 |
| Educational Institute for Scotland | 54,894 | 6,666 |
| Energy and General Workers Union | 16 | 0 |
| Fire Brigades Union | 35,487 | 9,923 |
| GMB | 562,173 | 27,952 |
| Musicians Union | 29,657 | 3,017 |
| National Association of Colliery Deputies and Shotfirers | 317 | 108 |
| National Association of Schoolmasters Union of Women Teachers | 212,899 | 100,451 |
| National Union of Mineworkers | 1,950 | 5,821 |
| National Union of Rail Maritime and Transport Workers | 65,729 | 10,177 |
| POA | 31,850 | 4,322 |
| Public and Commercial Services Union | 284,216 | 20,613 |
| Prospect | 78,559 | 24,136 |
| Transport Salaried Staffs Association | 27,081 | 2,021 |
| Union of Construction Allied Trades and Technicians | 91,757 | 37,308 |
| Union of Democratic Mineworkers | 2,166 | 0 |
| Union of Shop Distributive and Allied Workers | 337,613 | 18,433 |
| UNISON: The Public Services Union | 883,562 | 460,438 |

| Number of Members exempt from contributing to the Political Fund (b) (3) | POLITICAL FUND (a) | | | |
|---|--------------------|-------------------------|---|---------------------------------------|
| | Income £ (4) | Expenditure £ (5) | Fund at Beginning of Year £ (6) | Fund at End of year £ (7) |
| 0 | 12,736 | 8,390 | 8,733 | 13,079 |
| 368 | 105,232 | 106,271 | 230,991 | 229,952 |
| 77 | 7,065 | 0 | 114,980 | 122,045 |
| 0 | 75,775 | 73,365 | 9,383 | 11,793 |
| 161 | 40,329 | 50,618 | 19,718 | 9,429 |
| 29,081 | 1,045,809 | 1,178,400 | 229,106 | 96,515 |
| 2,712 | 148,000 | 269,000 | 221,000 | 100,000 |
| 4,901 | 53,075 | 33,435 | 57,279 | 76,919 |
| 1,719 | 146,989 | 42,764 | 1,281,446 | 1,385,671 |
| 0 | 33 | 0 | 418 | 451 |
| 8,667 | 298,341 | 191,845 | 936,761 | 1,043,257 |
| 27,952 | 2,731,000 | 2,777,000 | 49,000 | 3,000 |
| 730 | 58,298 | 67,878 | 37,031 | 27,451 |
| 108 | 1,835 | 400 | 20,639 | 22,074 |
| 9 | 107,167 | 107,072 | 3,001 | 3,096 |
| 106 | 53,003 | 29,985 | 93,050 | 116,068 |
| 1,586 | 217,000 | 214,000 | 143,000 | 146,000 |
| 4 | 59,165 | 36,974 | 19,113 | 41,304 |
| 361 | 258,943 | 31,220 | 0 | 227,723 |
| 262 | 58,849 | 14,113 | 387,121 | 431,857 |
| 1,722 | 139,052 | 144,869 | 113,419 | 107,602 |
| 16,838 | 310,000 | 208,000 | 105,000 | 207,000 |
| 0 | 854 | 475 | 6,902 | 7,281 |
| 18,433 | 1,720,027 | 1,586,543 | 1,006,721 | 1,140,205 |
| 17,065 | 5,755,000 | 5,262,000 | 3,057,000 | 3,550,000 |

Political Funds of Trade Unions, 2007-2008 cont.
(See Paragraph 7.14)

| | Number of Members contributing to the Political Fund (1) | Number of Members not contributing to the Political Fund (2) |
|--|--|--|
| University and College Union | 97,382 | 20,215 |
| Unite the Union | 1,291,408 | 660,818 |
| Unity | 5,993 | 383 |
| Total for the 28 unions with political funds in this period | 4,403,041 | 1,466,673 |
| Total for the 28 unions with political funds in the previous period | 4,016,232 | 1,495,923 |

Notes:

| Number of Members exempt from contributing to the Political Fund (3) | POLITICAL FUND (a) | | | |
|--|--------------------|-------------------------|---|---------------------------------------|
| | Income £ (4) | Expenditure £ (5) | Fund at Beginning of Year £ (6) | Fund at End of year £ (7) |
| 13,592 | 135,699 | 135,699 | 10,349 | 10,349 |
| 332,202 | 4,545,000 | 6,167,000 | 4,143,000 | 2,521,000 |
| 265 | 28,133 | 19,017 | 424,734 | 433,850 |
| 478,921 | 18,112,409 | 18,756,333 | 12,728,895 | 12,084,971 |
| 331,852 | 19,484,881 | 16,740,113 | 9,581,127 | 12,325,895 |

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 2005/971) 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 following Certification Office publications are available to be printed or downloaded from the Certification Officer's website: www.certoffice.org. Printed copies may also be obtained free of charge on application to the Office.

Independence: a guide for trade unions wishing to apply for a certificate of independence (2009)

Mergers: a guide to the statutory requirements for transfers of engagements and amalgamations of trade unions (2009)

Mergers: a guide to the statutory requirements for transfers of engagements and amalgamation of employers' associations (2009)

Political funds: a guide for trade unions and employers' associations wishing to establish a political fund (2009)

Political funds: a guide to review ballots (2009)

Financial Irregularities in trade unions and employers' associations: the approach of the Certification Officer in exercising his powers of investigation (2009)

Guidance on making a complaint to the Certification Officer against a trade union (2009)

Disclosure of identity of individuals making applications and complaints to the Certification Officer (2009)

Guidance on procedure at formal hearings of the Certification Officer (2009)

Freedom of Information Act: Certification Office Publication Scheme (2009)

Annual Reports of the Certification Officer

**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**