

CERTIFICATION OFFICE
FOR TRADE UNIONS AND EMPLOYERS' ASSOCIATIONS

**Annual Report
of the Certification Officer
2006-2007**

www.certoffice.org

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I am required by the Trade Union and Labour Relations (Consolidation) Act 1992 to submit to you both a report on my activities as Certification Officer during the previous reporting period. I have pleasure in submitting such a report for the period 1 April 2006 to 31 March 2007.

A handwritten signature in black ink that reads "David Cockburn". The signature is written in a cursive style and is positioned above a solid horizontal line that extends to the right.

DAVID COCKBURN
The Certification Officer
8 June 2007

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Introduction

This is the thirty-first 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 2006 to 31 March 2007.

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.

The Certification Office website continues to be improved and in the year to 31 March 2007 received a 39% increase in the number of visits. Many visitors now take advantage of the free e-mail alerter service which informs subscribers about additions to the 'what's new' page. Subscribers get the earliest notification of new decisions, applications for certificates of independence, the registration of merger documents, new unions added to the lists, amendments to the guidance booklets etc. Anyone interested in becoming a subscriber should register on the website, www.certoffice.org.

Since the last reporting period, recorded trade union membership has increased to 7,602,842. Making an adjustment for those unions that failed to report in time last year (see para 4.8), this represents an increase in union membership of about 0.6% and is the first recorded increase since my 2001-02 report. This increase contrasts with a reported decrease in union density of 0.6% in the labour force survey published in April 2007 by the DTI. The difference may be explained partly by the different reporting periods and partly by the different ways in which membership data is obtained. The overall pattern, however, remains that since 1995 trade union membership has been on an undulating but gradually declining plateau.

The total number of trade unions and employers associations has continued to decrease both by the process of merger and by dissolution. In this reporting year, twelve unions and three employers' associations ceased to exist. Six unions ceased to exist by reason of having merged, and six were dissolved. I note in particular the demise of the Hyde and District Textile (Technicians and Operatives) Association and the General Union of Loom Overlookers. Four new trade unions were added to the list, two of which were newly created. These figures do not include the amalgamation of the TGWU and Amicus, which became effective after the end of this reporting year.

Over the past year a record number of complaints were determined, with a total of 90 decisions being issued. Applications were up by 33%. Surprisingly the decision which generated the most interest on the website in 2006-07 was that of *Beaumont v Amicus* (D/3-8/03), concerning the statutory requirements relating to election addresses.

During the reporting year I considered whether to exercise my powers to appoint an inspector to investigate the financial affairs of a union on seven occasions. In January 2007 I appointed Gerard Walker, Assistant Certification Officer, as an inspector to investigate certain aspects of the financial affairs of the Stable Lads Association. At the year end his enquiries were continuing.

This year I report on the first trade union general secretary to have received a salary in excess of one million pounds. It is the general secretary of the Professional Footballers Association.

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. 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 2007 there were nine staff in post in the Certification Office.

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 54% 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, 41% to work relating to complaints and trade union finances, 2% to work relating to trade union political funds, and the remainder to other matters including certification of independence.

The net cost of the Office for the year ending 31 March 2006 was £648,000. My salary as Certification Officer at 31 March 2007 was £66,777.03 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.

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 £1176.48. 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 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, Brandon House, 180 Borough High Street, London, SE1 1LW, 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 and gives the numbers on the lists at 31 March 2007 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 concerned 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) (see paragraph 1.21).
- 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. It is also 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) and a listed union enjoys certain procedural advantages in connection with the devolution of property following a change of trustees (section 13 of the 1992 Act). There are no equivalent advantages for employers' associations. However, there are two benefits of listing which are shared by trade unions and employers' associations. The fact of being on the relevant list is evidence (in Scotland, sufficient evidence) that the organisation is a trade union or employers' association. Further, 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, Brandon House, 180 Borough High Street, London SE1 1LW. 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, 69a George Street, Edinburgh EH2 2JG. The lists of trade unions and employers' associations also appear on the website of the Certification Officer, www.certoffice.org.

Unions formed by amalgamation

- 1.6 The 1992 Act was amended by the Employment Relations Act 2004 to provide that, 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).

Removal from the lists and schedules

- 1.7 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.
- 1.8 The table below gives the names of the twelve trade unions and three employers' associations removed from the list during the period 1 April 2006 and 31 March 2007. 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.

Trade Unions

England and Wales

Associated Chiropodists and Podiatrists Union
Association of Plastic Operatives and Engineers
Association of University Teachers*
Audit Commission Staff Association*
British Association of Advisors and Lecturers in Physical Education
Community and Youth Workers Union*
General Union of Loom Overlookers*
Heathrow Express Staff Association
Hyde and District Textile (Technicians and Operatives) Association

National Association of Teachers in Further and Higher Education*
National Union of Domestic Appliances and General Operatives*
National Union of Flint Glass Workers

In addition, the following trade unions were removed from the schedule of unions not on the list: Leeds and Holbeck Building Society Staff Association and Nestle Field Sales Staff Association.

Employers' Associations

England and Wales

Association of Ductwork Contractors and Allied Services
British Leavers Lace Manufacturers Association
Clothing Trades Alliance

In addition the following employers' associations were removed from the schedule of employers' associations not on the list: Central Counties Plumbing and Mechanical Services Association; Federation of Engineering Design Companies Ltd; Leicester and County Footwear Manufacturers Association; Scottish Beer and Pub Association; West Midlands Local Government Association.

Additions to the lists and schedules

- 1.9 The table below gives the names of the trade unions and employers' associations added to the lists during the period 1 April 2006 to 31 March 2007.

Trade Unions

England and Wales

Leeds Building Society Staff Association
National Car Park Workers Union
North of England Zoological Society Staff Association
University and College Union

There were no additions to the schedule of unlisted trade unions.

Employers' Associations

England and Wales

West Midlands Local Government Association

There was one addition to the schedule of unlisted employers' associations, the Scottish Motor Trade Association Ltd.

The lists at 31 March 2007

- 1.10 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 2007. They are reproduced as Appendices 1 and 2. The lists at 31 March 2007 comprised 177 trade unions and 81 employers' associations.

Changes during the year are summarised in the table below:

	<i>On lists at 31 March 2006</i>	<i>Changes between 1 April 2006 and 31 March 2007</i>		<i>On lists 31 March 2007</i>
		<i>Additions</i>	<i>Removals</i>	
Trade Unions	185	4	12	177
Employers' Associations	83	1	3	81

Special register bodies

- 1.11 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.
- 1.12 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.
- 1.13 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.
- 1.14 The following thirteen 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

- 1.15 Sections 107 and 134 of the 1992 Act provide that a change of name of a listed trade

union or employers' association must be approved by the Certification Officer before it can take effect. During the reporting period approval was given to the changes of name of three listed trade unions and two employers' associations.

<i>Trade Unions</i>		Effective Date
<i>From</i>	National Association of Head Teachers in Scotland	
<i>To</i>	Association of Head Teachers and Deputies in Scotland	14 June 2006
<i>From</i>	National Union of Marine Aviation and Shipping Transport Officers	
<i>To</i>	Nautilus UK	2 October 2006
<i>From</i>	Prison Officers Association	
<i>To</i>	POA	9 May 2006
 <i>Employers' Associations</i>		
<i>From</i>	British Box and Packaging Association	
<i>To</i>	British Packaging Association	6 July 2006
<i>From</i>	Yorkshire and Humberside Local Authorities Employers Forum	
<i>To</i>	Local Government Yorkshire and Humber	8 June 2006

Organisations not on the lists (Scheduled Bodies)

1.16 As entry on the lists is voluntary, it is difficult to know precisely how many trade unions and employers' associations are in existence which have not applied to be listed. In addition to the listed organisations in Appendices 1 and 2, the Certification Officer was aware of 14 trade unions and 70 employers' associations which met the statutory definitions but which had not sought to be listed as at 31 March 2007. 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 for entry on the relevant list. 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.

1.17 During the year, the Office approached two organisations which it was thought might be trade unions and of which it was previously unaware. By the date of publication it had been decided that neither organisation was a trade union.

- 1.18 As at 31 March 2007, there were 14 trade unions on the schedule of unlisted unions and 70 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	177 (185)	14 (16)	191 (201)
Employers' Associations	81 (83)	70 (74)	151 (157)

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

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.”*

Restriction on grounds of appeal from a decision of the Certification Officer

- 1.21 The Employment Relations Act 2004 amended the 1992 Act in respect of appeals to the EAT from a decision of the Certification Officer to enter or remove the name of a trade union or employers’ association from the relevant list. Before this amendment there was a right of appeal on questions of both fact and law, enabling the EAT to hear further evidence and substitute its decision for that of the Certification Officer. From 6 April 2005 any appeal to the EAT on these matters can be on a point of law only.

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 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 criteria 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 this reporting period one application for a certificate of independence was granted and one certificate of independence was issued to a new union formed by the amalgamation of two unions which already held certificates of independence. The AA Democratic Union, a union for employees of the AA, formed in February 2005, applied for a certificate of independence on 29 June 2006. Following

investigations by my Office, a certificate was issued on 7 March 2007. On 1 June 2006 a certificate of independence was issued to the University and College Union a new union formed following the amalgamation of the Association of University Teachers and the National Association of Teachers in Further and Higher Education.

- 2.9 No formal reviews of existing certificates of independence were undertaken during the period.
- 2.10 Eight certificates of independence were cancelled because the unions concerned had ceased to exist, six of which were as the result of mergers. These were the certificates of the following unions:

Association of University Teachers*
Audit Commission Staff Association*
Community and Youth Workers Union*
General Union of Loom Overlookers*
Hyde and District Textile (Technicians and Operatives) Association
National Association of Teachers in Further and Higher Education*
National Union of Domestic Appliances and General Operatives*
National Union of Flint Glass Workers
(*the unions marked with an asterisk ceased to exist as the result of mergers)

- 2.11 On 31 March 2007 there were 126 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 4.16). 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 1.11 to 1.14) 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 In the case of five returns received by the Certification Office during this reporting period (1.5% of total returns received), the auditors gave a qualified opinion as to whether the return gave a true and fair view. In each case action was taken to ensure such qualifications are not necessary in the future.
- 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 1.11 to 1.14) 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 Act provided the period covered is the same and there is no significant diminution in the degree of

disclosure. In such circumstances, however, and notwithstanding anything in the Companies Act, an auditor's report for the purposes of the 1992 Act is still required.

- 3.11 With the exceptions already noted, the duties imposed by sections 28, 32 and 131 of the 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 following the year to which the annual return relates. For most organisations (75%), their financial year coincides with the calendar year and ends on 31 December, but others differ. In this reporting period 9.1% of returns were submitted more than three months after their due date. However by 31 March 2007, 98.3% of all due returns had been received. The annual returns for the following organisations were still outstanding by more than three months at 31 March 2007.

Employers' Associations

British Packaging Association
Glasgow and West of Scotland Plumbing Employers Association
Glass and Glazing Federation
Scottish Newspaper Publishers Association
Scottish Print Employers 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."

- 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 an enquiry was outstanding with Amicus. The enquiry was concluded without an inspector being appointed.
- 3.21 In the period 1 April 2006 to 31 March 2007 concerns were raised about particular aspects of the conduct of the financial affairs of five trade unions: the GMB, National Union of Mineworkers (twice), Skipton Staff Association, Stable Lads Association and the Transport and General Workers Union (twice). At the end of the reporting period enquiries with the GMB, National Union of Mineworkers (one case), Stable Lads Association and the Transport and General Workers Union (one case) remained outstanding. The other enquiries were concluded without an inspector being appointed.
- 3.22 In the case of the Stable Lads Association, the Certification Officer appointed Gerard Walker, Assistant Certification Officer, as an Inspector to investigate its financial affairs on 24 January 2007. His terms of reference were "*to investigate and report to me on the financial affairs of the Stable Lads Association (SLA) between 1986 and 2006. In particular you are to investigate: (a) the amount of money paid to Mr Bill Adams from union funds and the processes involved for increases in salary and the payment of bonuses. (b) the recording, reporting and use of funds provided to the SLA by the British Horse Racing Board (BHB) including those*

described as to fund 'Welfare Matters', and (c) any other matters indicating a financial irregularity, within the description set out in section 37B (2) of the 1992 Act, that may come to light during the investigation of (a) and (b). The appointment was made under Section 37B of the Trade Union and Labour Relations (Consolidation) Act 1992. At the end of the period covered by this report Mr Walker's investigation was continuing.

- 3.23 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 two of the concluded issues arose from members concerns.
- 3.24 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

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

Access to Accounting Records

- 3.27 Section 30 of the 1992 Act provides a member of a trade union with a right of access to any accounting records of the union which are available for inspection. Where a member claims that a trade union has failed to comply with his or her request for access to the trade union's accounting records under section 30 of the Act, the member has the option of applying to the court or to the Certification Officer under section 31 of the 1992 Act. The Certification Officer may not consider an application if the claimant has applied to the court in respect of the same matter. Similarly once an application has been made to the Certification Officer, the same matter may not be put to the court.
- 3.28 On application to him, the Certification Officer is required to make such enquiries

as he thinks fit and give the complainant 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.

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

Applications and complaints received 1 April 2006 to 31 March 2007

- 3.31 In the period 1 April 2006 to 31 March 2007 the Certification Officer received two such complaints. These were against the GMB and the Transport and General Workers Union (TGWU). In December 2006, it was decided that the TGWU had failed to comply with a member's request for access to certain accounting records of a branch of the union. The union was ordered to give the claimants access to inspect certain branch records. (*King and King v TGWU* (D/59-60/06)). At the end of this reporting period the complaint against the GMB remained outstanding.
- 3.32 Sections 28 to 30 of the 1992 Act do not define "accounting records". However the Certification Officer has considered this matter in two earlier cases *Mortimer v Amicus* (D/1/03) and *Foster v Musicians Union* (D/13-17/03).
- 3.33 A copy of the decisions in *King and King v TGWU* and the two decisions mentioned in paragraph 3.32, 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 (www.certoffice.org).

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 2006-2007

- 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 2006 and 31 March 2007. 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 2005 and September 2006. However, the majority (75%) of returns are for unions or employers' associations with accounting periods ending 31 December 2005.
- 4.2 A total of 344 organisations submitted returns for this period. These were made up as follows:
- | | |
|-----|-----------------------------------|
| 179 | Listed trade unions |
| 13 | Scheduled trade unions |
| 81 | Listed employers' associations |
| 71 | Scheduled employers' associations |

For the difference between listed and scheduled organisations see paragraph 1.16.

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 2006-2007. 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 192 listed and scheduled unions compared with returns from the 193 listed and scheduled unions recorded in the Annual Report 2005-2006. The number of unions which submit annual returns in a given financial year is seldom the same as the number of unions on the list and schedules at 31 March of the reporting year. This is typically the result of unions dissolving or being created or failing to submit their annual returns in the reporting period.

- 4.5 The net reduction in the number of unions is attributable to mergers and to smaller unions ceasing to exist (see paragraphs 1.7 and 1.8). Chapter 6 of this report provides more information on amalgamations and transfers of engagements.
- 4.6 The trade unions from which returns were received, recorded a total membership of 7,602,842. The major unions, with a membership of over 100,000, accounted for 6,354,060 members or 83.6% 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 Unions</i>		<i>Membership of all Unions</i>	
<i>Number of Members</i>	<i>Number of Unions</i>	<i>Membership</i>	<i>Per cent</i>	<i>Cumulative Per cent</i>	<i>Per cent</i>	<i>Cumulative Per cent</i>
Under 100	34	720	17.71	17.71	0.01	0.01
100-499	35	8,895	18.23	35.94	0.12	0.13
500-999	19	13,249	9.90	45.84	0.17	0.30
1,000-2,499	24	39,693	12.50	58.34	0.52	0.82
2,500-4,999	22	77,011	11.46	69.80	1.01	1.84
5,000-9,999	12	89,061	6.25	76.05	1.17	3.01
10,000-14,999	3	35,536	1.56	77.61	0.47	3.47
15,000-24,999	9	166,332	4.69	82.30	2.19	5.66
25,000-49,999	17	615,111	8.85	91.15	8.09	13.75
50,000-99,999	3	203,174	1.56	92.71	2.67	16.43
100,000-249,999	5	808,333	2.60	95.31	10.63	27.06
250,000 and over	9	5,545,727	4.69	100.00	72.94	100.00
Total	192	7,602,842	100	100	100	100

- 4.7 The recorded trade union membership of 7,602,842 in 2006-07, compares to 7,473,000 reported in the returns received in 2005-06. This indicates an increase of 129,842 members or 1.74%. The total recorded membership of around 7.6 million compares with 7.8 million in 1997 and a peak of 13.2 million in 1979.
- 4.8 In last year's report it was noted that the returns received did not include returns from the Association of University Teachers or Community (see paragraph 4.4 of the 2005-06 report) which would have included around 85,757 further members. Taking this into account, the adjusted figure for union membership from returns received in the previous reporting period is 7,558,757. In this reporting period there were no unions which did not submit their annual return. Accordingly, allowing for the adjustment in membership figures for the previous reporting year, this year's figure shows an increase of 44,085 or 0.58%.

- 4.9 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>2004-2005</i>	<i>2005-2006</i>	<i>% changes</i>
<i>Increases</i>			
Amicus	1,160	1,180	+1.7
National Union of Teachers	331	362	+9.5
<i>Decreases</i>			
National Association of Schoolmasters Union of Women Teachers	328	290	-11.6
Transport and General Workers Union	807	777	-3.7

- 4.10 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 11.1% less than the figure for total membership, compared to 10.7% in the preceding year.

Membership register

- 4.11 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.
- 4.12 During the period 1 April 2006 to 31 March 2007 the Certification Officer received no complaints concerning the maintenance of the register of members' names and addresses

Finance

- 4.13 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, eg contingency, superannuation and political funds. Additionally, political funds are shown separately in Appendix 9.

- 4.14 From the returns received during this reporting period, the figures show that the gross income of trade unions was £1,052.75 million, an increase of 16.2% on that recorded by unions the previous year. Income from members rose by 9.9% to £747.04 million, while income from investment rose by 31.8% and income from other sources by 35.9%.¹
- 4.15 Gross expenditure by unions during this reporting period rose by 21.1% to £986.75 million, while at the end of the reporting period total funds (net assets) amounted to £741.64 million, a decrease of 19.4% over the previous period.

Salaries and benefits

- 4.16 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 the Inland Revenue; 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 4% of unions paid a salary to their general secretary of over £100,000; 24% paid between £60,001 and £100,000; 21% paid between £30,001 and £60,000; and 14% paid up to £30,000; while the general secretaries of the remaining 37% did not receive a salary. Five unions (3%), although paying no salary to their general secretary, did provide an honorarium or other benefits.
- 4.17 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

- 4.18 A summary of statistics concerning the membership and finances of employers' associations based on returns received within the reporting period is given in Appendix 6. Details are given for each of the 27 associations (including scheduled associations) with total income of more than £2,500,000. For comparative purposes, the statistics relating to the six regional engineering employers associations are combined in the table, even though the income of the individual associations each falls below £2,500,000.

¹This figure includes sums received as the result of the transfer of funds in a merger.

- 4.19 The statistics in Appendix 6 are based on returns from 152 employers' associations compared with returns from 157 in the report for 2005-2006.
- 4.20 From the returns received in this period, the figures show the gross income of employers' associations was £354.98 million compared with £343.47 million recorded for the previous year, an increase of 3.3%. Income from members rose from £131.49 million to £132.72 million, an increase of 0.9%. Income from investments rose from £11.78 million to £21.20 million (80%). A significant part of this raise was due to the revaluation of property investments by one particular employers' association, the National Farmers' Union. Other income rose from £200.21 million to £201.06 million (0.4%). During the same period, gross expenditure fell from £325.94 million to £322.01 million, a decrease of 1.2%.
- 4.21 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 £264.92 million, an increase of £6.87 million (2.7%) over the figure reported for the previous period.
- 4.22 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 All actuarial reports received by the Certification Officer are sent to the Government Actuaries Department (GAD) for its 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 ten members' superannuation schemes known to the Certification Officer maintained by four 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. Four schemes are currently exempt.

Schemes closed 2006-2007

- 5.6 The Office was informed that the Amicus Greater London Branch Superannuation Fund had closed on 24 September 2004, following a ballot of the scheme's members.

Actuarial reports received 2006-2007

- 5.7 No actuarial reports were received during this period. Reports on the schemes of the GMB and the National Union of Rail Maritime and Transport Workers (RMT) were due by 31 December 2006. The GMB report was received after the end of the reporting period. The RMT report remained outstanding at publication. The Office has been in contact with both unions about the reports.

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 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 slightly 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 amalgamating organisation. 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 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 The Employment Relations Act 2004 made provision for the listing and granting of certificates of independence to unions formed through amalgamation. 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 valid 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 2006 to 31 March 2007

- 6.10 During this reporting period, there were four transfers of engagements involving trade unions and one amalgamation of two trade unions. There were no mergers involving employers' associations. Details are given at Appendix 8.
- 6.11 The four transfers of engagements of trade unions which took place within the reporting period involved an estimated total of 6,400 members of the transferring unions.
- 6.12 The amalgamation involved the Association of University Teachers and the National Association of Teachers in Further and Higher Education to form the University and College Union. The amalgamation took effect on 1 June 2006 and involved an estimated 119,000 members (see also paragraph 6.11 of the 2005-2006 Annual Report).
- 6.13 During the reporting period the members of the Alliance and Leicester Group Union of Staff voted to transfer its engagements to the Communication Workers Union. An application for registration of the Instrument of Transfer was received on 9 March 2007. Under the provisions of the 1992 Act the earliest date by which the Instrument may be registered will be outside this reporting period, on 19 April 2007.
- 6.14 Also during the reporting period the members of Amicus and the Transport and General Workers Union voted in favour of amalgamation to form a new union. An application for registration of the Instrument of Amalgamation was received on 16 March 2007 and is scheduled to take effect outside this reporting period on 27 April 2007.
- 6.15 During the period 1 April 2006 to 31 March 2007 the Certification Officer received no complaints relating to a merger under the 1992 Act.

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 2006 to 31 March 2007.

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 in all 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 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 2006-2007

- 7.9 During the reporting period, the Certification Officer gave approval to one union which applied to establish political fund rules. This was the Public and Commercial Services Union (PCS). The members of PCS had been balloted on a political resolution in the previous reporting period (see paragraph 7.10 of the Annual Report 2005-2006). The political fund rules were approved on 23 May 2006.

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, one such amalgamation was registered, that of the Association of University Teachers and the National Association of Teachers in Further and Higher Education to form the University and College Union. The rules for the political fund of the new union were approved on 11 July 2006. Its review ballot date is 14 May 2008.

Political fund resolutions in force

- 7.11 As at 31 March 2007, there were 29 unions which had political fund resolutions in force; the same as reported last year. However this was the result of two new resolutions which came into force and two which ceased to have effect. The two new resolutions were those of the Public and Commercial Services Union (see paragraph 7.9) and the University and College Union (see paragraph 7.10). The two unions whose resolutions ceased to be in force were the Association of University Teachers and the National Association of Teachers in Further and Higher Education (see paragraph 7.10). The listed and scheduled trade unions in Appendix 1 which have a political fund are identified by the symbol (P).

Political fund review ballots

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

Political fund resolutions lapsed

- 7.13 During the reporting period, no political resolutions lapsed by reason of the failure to hold a review ballot.

Political funds of trade unions at 31 March 2007

- 7.14 Detailed statistical information about the political funds of trade unions is set out in Appendix 9. The statistics are derived from the 29 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 2005 and September 2006 (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 those 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 following unions submitted a report on their political fund but had ceased to exist by the end of the reporting year:

Association of University Teachers
National Association of Teachers in Further and Higher Education
National Union of Domestic Appliances and General Operatives

- 7.16 Annual returns received during the period 1 April 2006 to 31 March 2007, show the total income of political funds as £18.85 million compared with £17.22 million reported in the 2005-2006 report, an increase of 9.4%. The total expenditure from political funds was £21.06 million as compared with £18.63 million in the preceding year, an increase of 13.1%. The total of the political funds in the returns received during the reporting period was £9.58 million, down by £2.02 million, or 17.4%, on the £11.60 million contained in the 2005-2006 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 4,451,488 compared with 4,257,903 in the 2005-2006 Report, an increase of 193,585 members or 4.5%.

Exemption notices

- 7.18 Exemption notices (see paragraph 7.3) are obtainable from the organisation concerned or from the Certification Office. The Office supplied 2 such notices during the period 1 April 2006 to 31 March 2007. The annual returns recorded 1,762,003 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 2006 to 31 March 2007. They were the GMB and the Public and Commercial Services Union.

Political fund complaints

- 7.20 During the period 1 April 2006 to 31 March 2007, 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 £1,176.48.
- 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.
- 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 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 even if the claimant withdraws his or her application to the Certification Officer. 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 2006 to 31 March 2007 the Certification Officer received eight applications relating to trade union elections. Four of the applications were determined by the Certification Officer while in the other four applications the claimants, after correspondence with my office, decided not to proceed. In addition, the complaints against the Prison Officers Association and the United Road Transport Union which remained outstanding at the end of my last report were determined in this period.

8.12 The Certification Officer issued nine decisions on six applications of breach of statute during the period 1 April 2006 to 31 March 2007. No enforcement orders were issued. The six applications determined by the Certification Officer were:

- **Darken v The Prison Officer' Association (D/20/06).** The claimant alleged that the union had breached section 48(6) of the 1992 Act by failing to accord the claimant, as a candidate in an election, the same facilities for the preparation of his election address as the other candidates in the election. The Certification Officer upheld the complaint. His decision was appealed by the union to the Employment Appeal Tribunal (EAT) but the appeal was unsuccessful. The EAT found that the Certification Officer had correctly construed section 48(6)
- **Higginbottom v United Road Transport Union (D/42-43/06).** The claimant sought declarations that the union had breached section 51(3)(a) of the 1992 Act and had breached a rule of the union by not allowing members to vote in the union's 2006 election for the post of General Secretary without interference or constraint imposed by the union. The Certification Officer refused to make the declarations sought by the claimant.
- **Williams v Community (D/56/06).** The claimant sought a declaration that the union had breached section 47(1) of the 1992 Act by unreasonably excluding him from standing as a candidate in the union's elections held in 2006 for its National Executive Council. In dismissing the complaint the Certification Officer found that the claimant could have stood for election if he had wished and was qualified to do so and that the claimant was not therefore unreasonably excluded from standing as a candidate.
- **Hardman v Community (D/57-58/06).** In a further complaint arising out of the same election (see Williams above) the claimant alleged the union had failed to appoint an independent scrutineer before the election commenced (section 49(1) of the 1992 Act) and that the union had failed to notify the members of the name of the scrutineer by either of the methods set out in section 49(5) of the 1992 Act. Both complaints were dismissed.

- **Rawlins v British Medical Association (D/1-5/07).** In a series of complaints arising out of the BMA's election to its Council in 2006 the claimant alleged the union had breached section 52 of the 1992 Act in matters relating to the issue of the scrutineer's report on the election. In dismissing all the complaints it was found that the union had not breached section 52.
- **Corrigan v GMB (No 1) (D/10/07).** The claimant alleged that the GMB had breached section 46(1)(a) of the 1992 Act by failing to secure that, following the resignation of the former General Secretary, the position of General Secretary was filled by a person elected to it at an election satisfying the requirements of the 1992 Act. The claim was upheld but no enforcement order was made as the union had subsequently held such an election. After the end of the reporting period, the claimant appealed to the EAT against the refusal to make an enforcement order and the union cross-appealed on liability.

8.13 Copies of these and 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.

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.

Applications and decisions

9.8 In the period 1 April 2006 to 31 March 2007, the Certification Officer determined the 14 applications (against ten unions) that were outstanding at the end of the previous reporting period. In addition, during the present reporting period, the Certification Officer received 20 new applications (against 13 unions) relating to alleged breaches of union rule. After correspondence with my Office, six of these applications were not proceeded with. Four of the remaining applications were determined in the period and a preliminary point was determined on one application. At 31 March 2007, 10 applications (against 8 unions) remained outstanding.

9.9 The Certification Officer issued 79 decisions on 17 applications of breach of rule during the period 1 April 2006 to 31 March 2007. No enforcement orders were issued. Of the 79 decisions the following are noteworthy.

9.10 **Lee v National Association of Schoolmasters Union of Women Teachers (NASUWT) (No 2) (D8-19/06).**

Twelve complaints were made relating to disciplinary proceedings brought against the claimant. The Certification Officer upheld two of the complaints making the declarations sought, but did not make any enforcement orders. The other ten complaints were dismissed.

9.11 **Brady v Associated Society of Locomotive Engineers and Firemen (ASLEF) (D/24-26/06).**

The claimant was the ex General Secretary of ASLEF. Three complaints were made relating to the union's disciplinary proceedings against the claimant. Two of the

complaints were withdrawn shortly before the hearing. The one remaining complaint was dismissed as having been brought out of time.

9.12 **Baker & Others v National Federation of Sub-Postmaster (D/27/06).**

The four claimants made a complaint alleging a breach of the Federation's rules concerning the use of union funds. It was alleged that the union's executive council had failed to follow its rules by having not set out the proposals for the expenditure in a published memorandum in the Federation's journal. The Certification Officer upheld the complaint but did not make an enforcement order.

9.13 **Harrington v National Union of Rail, Maritime and Transport Workers (RMT) (D/29-31/06).**

Three complaints were made relating to disciplinary action which had led to the exclusion of the claimant from the union. The complaints were dismissed as having been brought out of time. The claimant appealed these decisions to the Employment Appeals Tribunal (EAT) but the appeal was dismissed on the ground that it had not been lodged within the prescribed EAT time limits.

9.14 **Tyrrell v National Association of Schoolmasters Union of Women Teachers (NASUWT)(D/35-41/06).**

Seven complaints were made relating to the Annual General Meeting of the Islington Local Association of the union in 2005. The Certification Officer refused to make the declarations sought in four of the seven complaints and found that he did not have the jurisdiction to determine the other three complaints.

9.15 **Higginbottom v United Road Transport Union (URTU) (D/42-43/06).**

The claimant was a former General Secretary of URTU between 1992 and 2000, when he resigned. In the election for the position of General Secretary in 2006, the claimant again stood for the post but was defeated. He claimed that there had been interference by the union in the election and that an implied rule of the union, not to endorse a candidate, had been breached. The Certification Officer refused to make the declarations sought in respect of both matters.

9.16 **Massey v UNIFI (D/62-78/06).**

The claimant made 17 complaints arising out of the elections conducted in 2002 by the Royal Bank of Scotland for positions as trustee of its Pension Fund Board. The hearing was considerably delayed arising from the claimant's ill health and the need for similar matters before the EAT to be concluded. Declarations were made in the claimant's favour in seven of the complaints, a further seven complaints were dismissed and three were withdrawn.

9.17 **Irving v GMB (D/6-9/07).**

The claimant made four complaints against the union arising out of his suspension from office as a Regional President. The Certification Officer refused to make any of the four declarations sought. After the end of this reporting period the claimant lodged an appeal to the EAT.

9.18 **Corrigan v GMB (No 2) (D/11-12/07).**

The claimant alleged two breaches of the union's rules relating to her removal from office from a union post in Northern Ireland. As a preliminary point the union argued that the Certification Officer did not have jurisdiction under the 1992 Act to determine these complaints, as they were alleged to have taken place in Northern Ireland. At a preliminary hearing it was found that the Certification Officer did have jurisdiction to determine the complaints.

9.19 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.

9.20 In the period 1 April 2006 to 31 March 2007, a total of 708 enquiries were received. These fall under the following broad headings:

General advice on the role of the Certification Officer	123
Appointment, election or dismissal from any office in the union	65
Disciplinary proceedings within the union	79
Balloting of union members (other than industrial action)	67
Constitution or proceedings of a union's executive committee or certain other bodies	47
Inadequate representation of members by their union	130
Union benefits or membership issues	52
Others	145
Total	708

This is an increase of 186 enquiries or 35% on the corresponding period in 2005-2006 (see paragraph 9.18 of the 2005-2006 Annual Report).

9.21 Not all enquiries 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 1.10)

List of Trade Unions at 31 March 2007

Notes:

Italics denotes a trade union first entered in the list during 1 April 2006 to 31 March 2007.

* Denotes a trade union holding a certificate of independence at 31 March 2007.

(P) Denotes a trade union with a political fund resolution in force at 31 March 2007.

England and Wales

21st Century Aircrew

- * AA Democratic Union
- * Abbey National Group Union – ANGU
- * Accord
- * Alliance and Leicester Group Union of Staff
Alliance for Finance
- * Ambulance Service Union
- * Amicus (P)
- * Aspect (P)
- * Associated Society of Locomotive Engineers and Firemen (P)
Associated Train Crew Union
- * Association for Clinical Biochemistry
- * Association for College Management
- * Association of Cambridge University Assistants
- * 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
Birmingham Union of Club Stewards
Boots Pharmacists Association (BPA)
- * Britannia Staff Union
- * British Air Line Pilots Association
- * British Association of Colliery Management
- * 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
- * British Union of Social Work Employees
- * Broadcasting Entertainment Cinematograph and Theatre Union (P)

- * Card Setting Machine Tenters Society
- * 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

- * Derbyshire Group Staff Union
- * Diageo Staff Association
- * Directors Guild of Great Britain
Distribution Staff Association

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

Notes:

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(P) Denotes a trade union with a political fund resolution in force at 31 March 2007.

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

- G4S Justice Services Staff Association
- * Gallaher Sales Staff Association
- * General Dental Practitioners Association
- General Federation of Trade Unions
- * GMB (P)
- * Guild of Professional Teachers of Dancing

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

- * Immigration Service Union
- * Independent Pilots Federation
- Industrial Workers of the World (IWW) – British Isles
- Institute of Football Management and Administration
- * Institute of Journalists (Trade Union)
- * Irish Bank Officials Association

- * Lawson Mardon Star Ltd Managerial Staff Association
- Lecturers Employment Advice and Action Fellowship
- 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 Car Park Workers Union*
- * 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 (Durham Area)
- * National Union of Mineworkers (Leicester Area)
- National Union of Mineworkers (Midlands Area)
- National Union of Mineworkers (North Stafford Federation Midland 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
- * Nationwide Group Staff Union
- * Nautilus UK
- NISA
- North of England Zoological Society Staff Association*

- * POA (P)
- * Portman Group Staff Association
- * Prison Governors Association
- * Prison Service Union
- * Professional Association of Cabin Crew Employees
- * Professional Association of Teachers
- 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

Notes:

Italics denotes a trade union first entered in the list during 1 April 2006 to 31 March 2007.

* Denotes a trade union holding a certificate of independence at 31 March 2007.

(P) Denotes a trade union with a political fund resolution in force at 31 March 2007.

- Scarborough Building Society Staff Association (SOCASS)
- Sheffield Wool Shear Workers Trade Union
- Shield Guarding Staff Association
- * Skipton Staff Association
- * Society of Authors Limited
- * Society of Chiropractors and Podiatrists
- * Society of Radiographers
- * Society of Union Employees (UNISON)
- Solidarity
- * Stable Lads Association
- * Staff Association of Bank of Baroda (UK Region)
- * Staff Union West Bromwich Building Society

- * Transport and General Workers Union (P)
- * Transport Salaried Staffs Association (P)

- * UBAC
- * Undeb Cenedlaethol Athrawon Cymru (National Association of Teachers of Wales)
- * Union of Construction Allied Trades and Technicians (P)
- Union of Country Sports Workers
- * Union of Democratic Mineworkers (P)
- Union of DHL Workers
- Union of Federation of Employed Door Supervisors and Security
- * Union of Finance Staff
- Union of General & Volunteer Workers
- * Union of Shop Distributive and Allied Workers (P)
- * UNISON – The Public Service Union (P)
- * United Road Transport Union
- * Unity (P)
- * *University and College Union (P)*

- Warwick International Staff Association
- Welsh Rugby Players Association
- Whatman Staff Association
- * Writers Guild of Great Britain

- * Yorkshire Independent Staff Association

Scotland

Aegis; The Aegon UK Staff Association

* Association of Head Teachers and Deputies in Scotland

* Dunfermline Building Society Staff Association

* Educational Institute of Scotland (P)

Independent Federation of Nursing in Scotland

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

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

* Offshore Industry Liaison Committee

* Prison Staff Association

Scottish Artists Union

* Scottish Carpet Workers Union

* Scottish Secondary Teachers Association

* United and Independent Union

Notes:

Italics denotes a trade union first entered in the list during 1 April 2006 to 31 March 2007.

* Denotes a trade union holding a certificate of independence at 31 March 2007.

(P) Denotes a trade union with a political fund resolution in force at 31 March 2007.

Schedule to Appendix 1

(See paragraph 1.16)

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 2007

Notes:

‡A branch of an independent American trade union.

(P) Denotes a trade union with a political fund resolution in force at 31 March 2007.

England and Wales

Association of Flight Attendants (Council 07)‡

Confederation of Shipbuilding and Engineering Unions

Federation of Entertainment Unions

Ice Hockey Players Association (Great Britain)

International Federation of Actors

International Transport Workers Federation

Joint Committee of Light Metal Trades Union (1992)

National Union of Mineworkers (North East Area)

National Union of Mineworkers North Western Cheshire and Cumbria Miners Association (P)

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

Appendix 2

(see paragraph 1.10)

List of Employers' Associations at 31 March 2007

England and Wales

Advertising Producers Association
Association of British Orchestras
Association of Circus Proprietors of Great Britain
Association of Indian Banks in the United Kingdom
Association of London Government
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 Exhibition Contractors Association
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 East Midlands & Mid-Anglia Association
EEF North West
EEF Northern Association
EEF South
EEF Western
EEF West Midlands Association
EEF Yorkshire and Humberside
Electrical Contractors Association
Engineering Construction Industry Association
Engineering Employers East Anglian Association
Engineering Employers Federation
Engineering Employers Sheffield Association (South Yorkshire and North Midlands)

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

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 Fillings Association

National Hairdressers Federation

National Pharmacy Association Ltd

National Sawmilling Association

National Trainers Federation

Newspaper Society

North East Regional Employers Organisation for Local Authorities

Paper Federation of Great Britain Ltd

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

Scottish Decorators Federation
Scottish Engineering
Scottish Grocery Trade Employers Association
Scottish Newspaper Publishers Association
Scottish and Northern Ireland Plumbing Employers Federation
Scottish Pharmaceutical Federation
Scottish Print Employers Federation

Schedule to Appendix 2

(See paragraph 1.16)

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 2007

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
Corrugated Packaging Association
Covent Garden Tenants Association Limited

Dairy Industry Federation Ltd

Felt Roofing Contractors Employers Association
Fencing Contractors Association
Freight Transport Association

Incorporated Guild of Hairdressers Wigmakers and Perfumers

Kaolin and Ball Clay Association (UK)
Kidderminster District Carpet Manufacturers and Spinners Association

Lighter Trades Industrial Section
London Association of Funeral Directors
London Fish Merchants Association (Billingsgate) Limited

Master Carvers Association
Metal Packaging Manufacturers Association

National Bedding Federation Limited
National Brickmakers Federation
National Federation of Roofing Contractors Ltd
North West Timber Trades Association
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

Renfrewshire Master Builders

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 – Greenock Association
Scottish Building – Moray District
Scottish Building Orkney Association
Scottish Building – Perth and District
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)

Decisions on Trade Union Independence during the period 1 April 2006 to 31 March 2007

Certificates of independence issued

AA Democratic Union
University and College Union

Certificates of independence refused

None

Certificates cancelled because the union ceased to exist as a result of a merger

Association of University Teachers
Audit Commission Staff Association
Community and Youth Workers Union
General Union of Loom Overlookers
National Association of Teachers in Further and Higher Education
National Union of Domestic Appliances and General Operatives

Certificates cancelled because the union was dissolved

Hyde and District Textile (Technicians and Operatives) Association
National Union of Flint Glass Workers

Applications in progress

None

Appendix 4

Summary of Statistics – Trade Unions, returns received during the period 1 April 2006 to 31 March 2007

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 2005, the table includes returns from trade unions with year ending dates ranging from October 2005 to September 2006 and therefore due in this Office between 1 April 2006 and 31 March 2007.

Notes to the Summary of Statistics schedule

- (a) The total membership reported by some trade unions includes a number of special categories (eg. honorary or retired) who are members under the union's rules but who either pay no contribution to union funds or make a nominal payment only.
- (b) Investment income is shown net of certain items such as outgoings on property held as an investment, but not, for most unions, net of tax paid on that income.
- (c) The total income and total expenditure figures are not confined to normal revenue income and expenditure. The figures cover all items which increased or decreased a union's total funds during the year. They are inclusive of recognised gains and losses, including revaluation of property and assets and other changes in the value of assets, which are not offset by an equal change in liabilities. Tax recoveries and provisions no longer required are included in total income, and tax paid is included in total expenditure.
- (d) Some figures may have changed from last year's report due to later information. Some unions have made significant adjustments to the beginning of year figure to reflect the impact of the requirements of Financial Reporting Standard 17.

Summary of Statistics – Trade Unions, 2005-2006

(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)
UNISON: The Public Service Union	1,317,000	146,085	2,390	10,486	158,961
Amicus	1,179,655	75,113	4,259	15,306	94,678
Transport and General Workers Union	777,325	74,036	3,345	601	77,982
GMB	575,105	46,912	933	5,058	52,903
Royal College of Nursing of the United Kingdom	391,347	25,148	0	1,030	26,178
National Union of Teachers	361,987	25,163	1,323	6,179	32,665
Union of Shop Distributive and Allied Workers	340,653	25,674	2,219	4,513	32,406
Public and Commercial Services Union	312,725	28,353	1,212	2,254	31,819
National Association of Schoolmasters Union of Women Teachers	289,930	21,025	532	2,357	23,914
Communication Workers Union	244,461	27,087	372	987	28,446
Association of Teachers and Lecturers	203,241	11,570	546	486	12,602
British Medical Association	137,361	33,299	4,545	62,520	100,364
Union of Construction Allied Trades and Technicians	121,109	6,403	148	2,339	8,890
Prospect	102,161	11,484	1,452	312	13,248
Total for above unions with 100,000 members or more	6,354,060	557,352	23,276	114,428	695,056
Total for 165 other listed unions with less than 100,000 members	1,243,733	171,617	21,604	102,067	295,288
Total for listed unions	7,597,793	728,969	44,880	216,495	990,344
Trades Union Congress	0	13,598	3,511	14,431	31,540
Total for 12 other unlisted unions which have submitted returns	5,049	4,468	1,921	24,473	30,862
Total for all unions 2005-2006	7,602,842	747,035	50,312	255,399	1,052,746
Total for all unions 2004-2005	7,473,000	679,473	38,187	187,953	905,613

Notes – see previous page

Appendix 4

GROSS EXPENDITURE	TOTAL FUNDS		GROSS ASSETS				
Total Expenditure (c) £000's (6)	Beginning of the Year (d) £000's (7)	End of the Year (e) £000's (8)	Fixed Assets (f) £000's (9)	Investment Assets (g) £000's (10)	Other Assets (h) £000's (11)	Total Assets (i) £000's (12)	Total Liabilities (j) £000's (13)
165,466	75,612	69,107	46,454	3,261	93,582	143,297	74,190
102,606	64,635	56,707	57,628	46,168	14,876	118,672	61,965
78,585	89,815	89,212	57,758	25,852	33,012	116,622	27,410
49,746	(39,949)	(36,792)	18,509	17,691	4,365	40,565	77,357
26,178	0	0	0	0	5,033	5,033	5,033
28,333	8,511	12,843	4,316	5,463	8,364	18,143	5,300
30,149	6,204	8,461	10,247	19,862	4,608	34,717	26,256
30,099	11,046	12,766	9,371	11,722	(6,937)	14,156	1,390
22,777	24,277	25,414	19,372	9,152	2,996	31,520	6,106
27,574	12,593	13,465	12,417	7,476	10,949	30,842	17,377
12,516	6,948	7,034	4,238	2,433	4,670	11,341	4,307
84,565	82,746	98,545	6,591	111,169	31,042	148,802	50,257
5,906	2,367	5,351	6,105	17	3,498	9,620	4,269
13,645	20,022	19,625	8,162	16,830	2,258	27,250	7,625
678,145	364,827	381,738	261,168	277,096	212,316	750,580	368,842
253,323	263,647	305,612	102,158	179,544	143,181	424,883	119,271
931,468	628,474	687,350	363,326	456,640	355,497	1,175,463	488,113
29,504	(4,441)	(2,405)	3,771	1,035	10,480	15,286	17,691
25,780	51,615	56,696	5,667	30,457	35,700	71,824	15,128
986,752	675,648	741,641	372,764	488,132	401,677	1,262,573	520,932
814,824	828,795	919,584	338,749	411,403	363,129	1,113,281	193,697

Appendix 5

(see paragraph 4.16)

Salary and Benefits of Trade Union General Secretaries

England and Wales

	<i>Title</i> (General Secretary unless stated)	£ <i>Salary</i>	£ <i>Benefits</i>
AA Democratic Union		39,093	4,400
Abbey National Group Union – ANGU		21,783	8,401
Accord		86,866	23,622
Alliance and Leicester Group Union of Staff			6,830 (b)
Ambulance Service Union			5,000 (b)
Amicus		86,927	66,410
Aspect		63,165	
Associated Society of Locomotive Engineers and Fireman		68,250	32,340
Association for College Management		78,841	10,875
Association of School and College Leaders		90,558	16,305
Association of Educational Psychologists		51,589	4,624
Association of Professional Music Therapists in Great Britain	Chairperson	1,760	
Association of Teachers and Lecturers		96,735	21,309
Association of University Teachers		129,345 (i)	26,477 (i)
Bakers, Food and Allied Workers' Union		37,943	16,371
Boots Pharmacists' Association (BPA)	Chief Executive		5,000 (b)
British Air Line Pilots Association		94,670	20,300
British Association of Advisers and Lecturers in Physical Education		18,209	
British Association of Colliery Management		61,783	16,785
British Association of Dental Nurses		27,844	1,431
British Association of Journalists		16,976	439
British Association of Occupational Therapists Ltd	Chairman	10,000 (k)	
British Dental Association		84,843 (a)	3,825 (a)
British Medical Association	Chairman		62,662 (b)
British Union of Social Work Employees		7,140	1,335
Broadcasting Entertainment Cinematograph and Theatre Union		53,935	15,455

Chartered Society of Physiotherapy	Chief Executive	80,926	16,266
Communication Workers Union		77,188	22,813
Community		113,453	18,326
Community and District Nursing Association	Director	60,000	3,000
Community and Youth Workers' Union		42,148	2,861
Confederation of Shipbuilding and Engineering Unions		55,186 (a)	9,432 (a)
Connect; The Union for Professionals in Communications		71,440	11,689
Equity (Incorporating the Variety Artistes' Federation)		71,421 (a)	14,560 (a)
FDA		79,266	24,730
Federation of Entertainment Unions	Secretary	12,921	
Fire Brigades Union		64,432 (a)	52,665 (a)
Fire Officers' Association	Chief Executive	44,945	2,597
G4S Justice Services Staff Association		27,908	3,325
General Dental Practitioners Association		56,399	
General Federation of Trade Unions		54,282	26,423
General Union of Loom Overlookers		24,744	
GMB		156,000 (a)	43,000 (a)
Guild of Professional Teachers of Dancing			10,577 (b)
Headmasters' and Headmistresses' Conference		93,182	23,905 (g)
Hospital Consultants and Specialists Association	Chief Executive	65,975	5,117
Ice Hockey Players Association (Great Britain)	Executive Director		2,400 (b)
Immigration Service Union		4,500	4,500 (b)
Independent Pilots Federation		8,232 (a)	4,013 (a)(h)
Institute of Football Management and Administration		8,500	
Institute of Journalists (Trade Union)		28,000	1,439
International Federation of Actors		46,625	6,784
International Transport Workers Federation		80,454	15,722
Irish Bank Officials Association		€92,213	€50,186
Lecturers Employment Advice and Action Fellowship		14,141	
Lloyds TSB Group Union		108,354	32,594
Musicians Union		66,280	24,399
NAPO – The Trade Union and Professional Association for Family Court and Probation Staff		50,774	11,611
National Association of Colliery Overmen, Deputies and Shotfirers		47,719	4,652
National Association of Colliery Overmen, Deputies and Shotfirers (South Wales Area)		42,172	

National Association of Co-operatives Officials		78,675	16,243
National Association of Head Teachers		118,760 (a)	24,088 (a)
National Association of NFU Group Secretaries		4,972 (a)(b)	
National Association of Schoolmasters Union of Women Teachers		87,847	23,776
National Association of Teachers in Further and Higher Education		87,028 (i)	20,250 (i)
National Federation of Sub-Postmasters		70,224	28,292
National Society for Education in Art and Design		42,647	6,656
National Union of Domestic Appliances and General Operatives		32,868 (i)	12,893 (i)
National Union of Flint Glassworkers		1,750	
National Union of Journalists		56,422	5,099
National Union of Mineworkers		43,343	1,297
National Union of Mineworkers (Cokeman's Area)		30,584	720
National Union of Mineworkers (Colliery Officials and Staff Area) Region No 4		20,210	2,413
National Union of Mineworkers (Derbyshire Area)		48,192	23,105
National Union of Mineworkers (Durham Area)		6,734	10,131
National Union of Mineworkers (Leicester Area)		28,876	2,582
National Union of Mineworkers (North East Area)		51,888	5,422
National Union of Mineworkers North Stafford Federation (Midlands Area)		20,111	
National Union of Mineworkers (North Wales Area)		36,288 (a)	4,857 (a)
National Union of Mineworkers (Northumberland Area)		47,526 (c)	9,116 (c)
National Union of Mineworkers (South Wales Area)		42,838	7,950
National Union of Rail, Maritime and Transport Workers		80,394	23,100
National Union of Teachers		84,042	20,844
Nationwide Group Staff Union		78,893	17,725
Nautilus UK		69,705	14,083
POA		59,597	49,550
Prison Service Union		66,812	11,514
Professional Association of Teachers		66,307	7,951
Professional Cricketers Association	Chief Executive	85,494	18,294
Professional Footballers' Association		1,150,015	27,449
Professional Rugby Players Association		57,308	
Prospect		85,560	25,654
Public and Commercial Services Union		83,115	29,427
Retail Book Stationery and Allied Trades			
Employees Association	President	34,136	6,970
Retained Firefighters Union		37,037	3,400
Retired Officers Association		1,833	
Royal College of Midwives		102,921 (d)	38,081 (d)
Royal College of Nursing in the United Kingdom		123,588 (e)	19,838 (e)
RSPB Staff Association	Chair	750	

Shield Guarding Staff Association	10,000	
Society of Authors Limited	80,500	37,824
Society of Chiropodists and Podiatrists	63,001	5,040
Society of Local Council Clerks	Chief Executive 49,315	6,597
Society of Radiographers	34,559 (l)	4,613 (l)
Stable Lads Association	36,999	10,000 (j)
Trades Union Congress	84,497	22,160
Transport and General Workers' Union	80,043	10,221
Transport Salaried Staffs Association	58,429	11,978
UBAC	41,728	5,799
Undeb Cenedlaethol Athrawon Cymru (The National Association of Teachers of Wales)	39,055	3,290
Union of Construction, Allied Trades and Technicians	59,382	10,714
Union of Democratic Mineworkers	85,053 (f)	32,367 (f)
Union of Finance Staff	82,604	2,002
Union of Shop Distributive and Allied Workers	76,016	19,828
UNISON: The Public Service Union	87,659	29,967
United Road Transport Union	51,259	18,232
Unity	37,935	20,672
Welsh Rugby Players Association	72,000	
Writers Guild of Great Britain	52,500	4,463
Scotland		
Association of Head Teachers and Deputies in Scotland	39,512	1,857
Educational Institute of Scotland	83,235	14,338
Independent Federation of Nursing in Scotland	16,083	
National Union of Mineworkers (Scotland Area)	43,899	9,735
Offshore Industry Liaison Committee	30,548	5,398
Scottish Carpet Workers Union	2,935 (a)	608 (a)
Scottish Secondary Teachers Association	70,915	9,407
United and Independent Union	3,492	

Notes:

- (a) Total paid in respect of two people holding office of general secretary and is not the sum paid to one individual.
- (b) Honorarium.
- (c) 40% of General Secretary's salary (including pension and employer's national insurance contributions) is charged to the Provident and Benevolent Fund.
- (d) The General Secretary's salary and benefits is associated with all aspects of the College and not just the trade union.
- (e) Includes payments made in respect of the General Secretary's role in the associated charitable trust.
- (f) £73,197 of this salary and £32,367 of benefits is paid in respect of the position of the President of the Nottingham Section of the UDM.
- (g) £23,000 in benefits is a one off payment of relocation expenses.
- (h) Benefit amount is in respect of a settlement of invoices for service rendered (subcontractor).
- (i) Payment made for a period of more than 12 months.
- (j) Bonus payment of £10,000.
- (k) Payment made to Chairman's employer in respect of her services
- (l) Represents 50% of total salary and benefits, the other 50% is included in the College of Radiographers accounts

Appendix 6

Summary of Statistics – Employers’ Associations, returns received during the period 1 April 2006 to 31 March 2007

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 2005, the table includes returns from employers’ associations with year ending dates ranging from October 2005 to September 2006 and therefore due in this Office between 1 April 2006 and 31 March 2007.

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, 2005-2006

(see paragraph 4.18)

	GROSS INCOME				GROSS EXPENDITURE
	From Members	From Investments	Other Income	Total Income	
	(a) £000's	(b) £000's	(c) £000's	(d) £000's	(e) £000's
Employers' Associations with over £2,500,000 total income	(1)	(2)	(3)	(4)	(5)
EEF West Midlands Association	2,669	252	7,358	10,279	10,052
Engineering Employers Federation	4,270	4,364	1,170	9,804	8,041
EEF South	1,752	34	3,727	5,513	5,193
EEF North West	1,536	83	2,390	4,009	3,684
EEF Western	1,596	43	1,313	2,952	2,843
EEF East Midlands & Mid-Anglia Association	1,370	0	1,516	2,886	2,832
6 Other Engineering Employers Associations in Great Britain (d)	5,265	397	3,064	8,726	8,367
England and Wales Cricket Board Limited	0	0	80,185	80,185	70,322
National Farmers Union	23,777	7,228	3,346	34,351	25,194
Retail Motor Industry Federation Limited	3,039	0	26,212	29,251	30,145
Electrical Contractors Association	2,586	2,489	17,084	22,159	19,391
Freight Transport Association Limited	21,417	127	17	21,561	19,929
Heating and Ventilating Contractors Association	3,207	970	7,919	12,096	11,916
National Pharmacy Association Ltd	3,537	2,226	1,492	7,255	4,447
British Printing Industries Federation	3,080	57	3,694	6,831	6,231
Chemical Industries Association Limited	4,176	0	2,461	6,637	7,211
Association of Colleges	4,138	63	1,233	5,434	5,982
National Federation of Retail Newsagents	5,047	36	84	5,167	4,794
Road Haulage Association Limited	2,800	120	2,196	5,116	5,173
Dairy Industry Association Limited	1,273	36	3,300	4,609	2,443
Federation of Master Builders	4,413	150	10	4,573	4,415
Society of London Theatre "SOLT"	490	55	3,995	4,540	4,505
East of England Regional Assembly	1,047	0	3,194	4,241	4,376
Local Government East Midlands	794	32	3,300	4,126	4,030
Newspaper Society	3,386	177	280	3,843	3,657
British Jewellery Giftware and Finishing Federation	711	365	2,037	3,113	2,300
Producers Alliance for Cinema and Television Ltd	2,092	48	662	2,802	2,767
West Midlands Local Government Association	1,472	21	1,186	2,679	2,223
Total for above Employers' Associations	110,940	19,373	184,425	314,738	282,463
Total for 55 other listed Employers' Associations	16,167	1,118	10,316	27,601	27,056
Total 64 other unlisted Employers' Associations	5,613	705	6,321	12,639	12,492
Total for all Employers' Associations 2005-2006	132,720	21,196	201,062	354,978	322,011
Total for all Employers' Associations 2004-2005	131,486	11,776	200,210	343,472	325,942

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)		
7,047	7,274	8,529	2,607	2,562	13,698	6,424	874
35,121	36,884	2,373	35,345	1,300	39,018	2,134	13
2,596	2,916	1,224	1,055	1,389	3,668	752	403
1,966	2,291	1,361	45	2,297	3,703	1,412	925
1,248	1,357	268	457	1,123	1,848	491	616
3,139	3,193	1,539	0	1,942	3,481	288	381
6,444	6,803	939	1,897	7,317	10,153	3,350	2,150
(6,879)	2,984	230	25,626	11,098	36,954	33,970	153
57,313	66,470	14,459	63,268	4,888	82,615	16,145	125,101
2,692	1,798	7,789	0	7,931	15,720	13,922	8,481
46,368	49,136	6,780	51,852	26,253	84,885	35,749	2,694
(10,296)	(8,664)	2,544	0	6,993	9,537	18,201	12,427
3,274	3,454	862	2,806	8,788	12,456	9,002	1,310
1,704	4,512	2,474	5	7,680	10,159	5,647	4,163
464	1,064	1,190	1,745	2,700	5,635	4,571	2,157
(493)	(1,067)	42	0	2,415	2,457	3,524	132
1,945	1,397	84	0	6,846	6,930	5,533	390
4,174	4,547	2,022	1,840	1,831	5,693	1,146	19,555
3,363	3,306	2,280	0	3,247	5,527	2,221	9,793
1,685	3,851	4,515	367	1,269	6,151	2,300	851
3,445	3,603	4,324	0	1,534	5,858	2,255	13,071
232	267	2,129	0	10,545	12,674	12,407	137
1,438	1,303	546	0	2,090	2,636	1,333	102
803	899	1	0	1,991	1,992	1,093	73
1,146	1,332	84	1,614	2,014	3,712	2,380	148
8,693	9,506	663	8,386	1,413	10,462	956	2,634
958	993	119	293	1,360	1,772	779	713
(1,748)	(1,292)	55	1	1,024	1,080	2,372	78
177,842	210,117	69,425	199,209	131,840	400,474	190,357	209,525
45,860	46,405	22,559	32,550	17,756	72,865	26,460	25,135
8,253	8,400	2,995	3,008	7,053	13,056	4,656	6,738
231,955	264,922	94,979	234,767	156,649	486,395	221,473	241,398
240,520	258,050	113,541	160,231	139,243	413,015	154,965	246,105

Appendix 7

(see paragraph 5.4)

Trade Unions Maintaining Members' Superannuation Schemes at 31 March 2007

Note: an asterisk denotes schemes exempt from the need for actuarial examination (see paragraph 5.5). The Transport and General Workers Union scheme is exempt but is audited within the union's annual return each year.

Amicus (7 schemes listed below)

- AEEU Section Superannuation Scheme
- Sheet Metal Workers Superannuation Fund
- APAC Members Superannuation Scheme*
- Electrotypers' and Stereotypers' Superannuation and Death Benefit Fund*
- Litho Printers' Section Superannuation Fund
- Plate Preparers' Section Superannuation Fund*
- Printing Machine Branch Superannuation Fund

GMB

National Union of Rail Maritime and Transport Workers

Transport and General Workers Union*

Appendix 8

(see paragraphs 6.10 to 6.12)

Mergers completed during the period 1 April 2006 to 31 March 2007

Trade Union Transfers of Engagement

<i>Engagements transferred from</i>	<i>To</i>	<i>Transfer registered on</i>
National Union of Domestic Appliances and General Operatives	Community	19 May 2006
General Union of Loom Overlookers	GMB	22 November 2006
Audit Commission Staff Association	Prospect	3 January 2007
Community and Youth Workers Union	Transport and General Workers Union	8 January 2007

Trade Union Amalgamations

<i>Amalgamating trade unions</i>	<i>Forming</i>	<i>Amalgamation registered on</i>
Association of University Teachers and National Association of Teachers in Further and Higher Education	University and College Union	1 June 2006

Appendix 9

Political Funds of Trade Unions, 2005-2006

(See Paragraph 7.14)

	Number of Members contributing to the Political Fund (b) (1)	Number of Members exempt from contributing to the Political Fund (b) (2)
Amicus	591,004	160,481
Association of University Teachers	43,476	575
Associated Society of Locomotive Engineers and Firemen	17,829	312
Association of Revenue and Customs	2,529	74
Bakers Food and Allied Workers Union	25,381	0
Broadcasting Entertainment Cinematograph and Theatre Union	26,550	160
Communication Workers Union	205,015	26,776
Community	29,965	2,013
Connect: The Union for Professionals in Communications	13,941	5,649
Educational Institute for Scotland	53,251	1,245
Fire Brigades Union	36,044	9,512
GMB	546,635	28,470
Musicians Union	28,072	613
National Association of Colliery Overmen Deputies and Shotfirers	421	0
National Association of Schoolmasters Union of Women Teachers	203,299	21
National Association of Teachers in Further and Higher Education	60,155	2,507
National Union of Domestic Appliances and General Operatives (d)	0	0
National Union of Mineworkers	2,162	140
National Union of Rail Maritime and Transport Workers	72,915	432
National Union of Mineworkers North Western Cheshire and Cumbria		
Miners Association	17	0

POLITICAL FUND (a)

Income	Expenditure	Fund at Beginning of Year	Fund at End of Year
£ (3)	£ (4)	£ (5)	£ (6)
3,689,000	3,864,000	1,227,000	1,052,000
88,900	89,197	310	13
158,153	136,422	218,785	240,516
6,846	0	101,039	107,885
75,250	89,196	22,774	8,828
43,544	33,154	2,528	12,918
1,067,091	1,593,504	729,111	202,698
461,000	535,000	102,000	28,000
49,350	74,017	69,510	44,843
355,836	7,515	1,125,684	1,474,005
261,275	173,416	775,414	863,273
2,533,000	3,034,000	511,000	10,000
58,640	66,981	48,726	40,385
2,243	164	17,756	19,835
98,519	113,171	21,976	7,324
99,966	111,847	22,217	10,336
0	1,898	1,898	0
37,641	34,131	81,773	85,283
196,000	375,000	335,000	156,000
33	0	349	382

Political Funds of Trade Unions, 2005-2006 cont.

(See Paragraph 7.14)

	Number of Members contributing to the Political Fund (b) (1)	Number of Members exempt from contributing to the Political Fund (b) (2)
POA	29,746	0
Prospect	78,307	288
Transport and General Workers Union	690,058	30,216
Transport Salaried Staffs Association	28,970	2,019
Union of Construction Allied Trades and Technicians	85,301	16,563
Union of Democratic Mineworkers	2,569	0
Union of Shop Distributive and Allied Workers	323,652	17,001
UNISON: The Public Services Union	1,246,620	22,334
Unity	7,604	154
Total for the 29 unions with political funds in this period	4,451,488	327,555 (c)
Total for the 28 unions with political funds in the previous period	4,257,903	464,826

Notes:

- (a) The information in the table is derived from annual returns received during 2006-2007, the majority of which relate to the year ending 31 December 2005.
- (b) It should be noted that columns (1) and (2) do not necessarily add up to a union's total membership. This is because in the case of some trade unions total membership includes various classes of special category members (eg honorary, retired, unemployed) who are members under the union's rules but who are neither required to pay the political levy nor to seek formal exemption.
- (c) The significant fall in reported members exempt from contributing to the political funds, compared to the previous year, is mainly attributable to the figures reported by one union, Amicus.
- (d) The union transferred during the course of the reporting year.

POLITICAL FUND (a)			
Income	Expenditure	Fund at Beginning of Year	Fund at End of Year
£ (3)	£ (4)	£ (5)	£ (6)
53,543	48,499	6,508	11,552
53,448	0	298,538	351,986
2,087,000	2,347,000	1,479,000	1,219,000
136,175	157,161	115,035	94,049
192,000	236,000	58,000	14,000
1,034	1,696	7,255	6,593
1,674,595	1,952,074	1,028,826	751,347
5,314,000	5,959,000	3,026,000	2,381,000
54,032	29,141	362,185	387,076
18,848,114	21,063,184	11,796,197	9,581,127
17,221,228	18,627,336	13,010,241	11,604,133

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 booklets 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.

1. *Mergers: a guide to the statutory requirements for transfers of engagements and amalgamations of trade unions (2005)*
2. *Mergers: a guide to the statutory requirements for transfers of engagements and amalgamation of employers' associations (2005)*
3. *Guidance for trade unions wishing to apply for a certificate of independence (2005)*
4. *Guidance for trade unions and employers' associations wishing to establish a political fund (2004)*
5. *A guide to political fund review ballots (2004)*
6. *Financial Irregularities in trade unions and employers' associations. The approach of the Certification Officer in exercising his powers of investigation (2005)*
7. *Making a Complaint to the Certification Officer against a Trade Union (2007)*
8. *Annual Reports of the Certification Officer*
9. *The Certification Officer's Publication Scheme (2005)*
10. *Provision made by the Certification Officer relating to the disclosure of the identity of claimants (2002)*

