

CERTIFICATION OFFICE
FOR TRADE UNIONS AND EMPLOYERS' ASSOCIATIONS

**Annual Report
of the Certification Officer
2003-2004**

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First published 2004

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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 2003 to 31 March 2004.

A handwritten signature in black ink, reading "David Cockburn". The signature is written in a cursive style with a horizontal line underneath the name.

DAVID COCKBURN
The Certification Officer
6 July 2004

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Introduction

This is the twenty-eighth Annual Report to be published since the post of Certification Officer was established in 1975. It deals with my activities during the period 1 April 2003 to 31 March 2004.

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 provide a very well used source of information and guidance. In the year to 31 March 2004 there have been 34,838 individual visits made to the site. All the Office's publications are available on the site to be downloaded or printed. In addition there are the full lists of trade unions and employers' associations with links to those with their own websites. Among the more popular sections of the site are those dealing with my recent decisions, the most recent Annual Reports and the Guidance Booklet on making complaints to the Certification Officer. This year a 'What's New' page has been added which, amongst other matters, gives information about forthcoming hearings, latest decisions and changes to the lists of trade unions and employers associations. It is proposed that the latest annual returns of trade unions and employers associations will be made available on the website during the course of the coming year.

Over the past year there have been a small number of applications by organisations seeking to be listed as a trade union which caused me to examine carefully the statutory definition of a trade union (see paragraph 1.16). The requirements of the statutory definition are not onerous but they must be met. In particular, a body which is no more than a part of the employer's consultative procedures may not be "an organisation" within the statutory definition. Similarly, a body may not "consist" wholly or mainly of workers within the definition if it merely deems all employees of a particular employer to be its members, without individual employees having indicated any wish to join.

Over the past year a total of 26 decisions were issued, a decrease of 11 over the previous reporting period. The decision which generated the most interest on the website in 2003/04 was that in *Stokes v GMB* (D/24-27/03) in which I made an enforcement order requiring the election for the position of Deputy General Secretary of the GMB to be re-run. My decision was appealed by the union to the Employment Appeal Tribunal, but was upheld.

During the year I considered whether to exercise my powers to appoint an inspector to investigate the financial affairs of a union on seven occasions but did not consider that it was appropriate to do so. I did however use my powers under section 37A of the 1992 Act on one occasion when I directed the GMB to produce certain documents.

During the last year my *Guide to Political Fund Review Ballots*, including the Model Rules contained within the Guide, was revised. This involved widespread consultation involving those unions with political funds, the Trade Union Congress and others. The major changes made to the Guide concerned the possible inclusion of other documents with the ballot paper and the clarification of the status of the Model Rules. The *Registration of Complaint* form was also revised with the aim of ensuring that potential complainants are made aware of my limited jurisdiction and that complaints are formulated as clearly as possible.

During the period covered by this report my Office received from the Office of the Parliamentary Commissioner for Administration (The Parliamentary Ombudsman) copies of letters the Ombudsman's Office had sent to the MP of a union member. This member had made applications to the Certification Officer against his union and subsequently complained to his MP about the handling of those applications. Following correspondence between the Ombudsman's Office and the member's MP, the Ombudsman's Office rejected these complaints. The Ombudsman concluded that she does not have the authority to investigate those decisions and actions of the Certification Officer "*which are of a judicial nature and in respect of which there is an appeal through the judicial system*". The letter from the Ombudsman added, "*Nor can she investigate the actions of those of his administrative staff*".

taken at the direction or on the authority of the Certification Officer acting in his judicial capacity." In respect of other issues raised by the union member, the Ombudsman concluded that there was no evidence of maladministration and therefore no basis for the Ombudsman's intervention.

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 Mr James Craig, WS, 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 2004 there were ten staff in post in the Certification Office. Mr Craig will retire on 31 May 2004. He will be replaced from 1st June by Ms Christine Stuart.

I am pleased to report that in July 2003 the office was awarded "Investors in People" status, on its first application.

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 50% 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, 5% to work relating to trade union political funds, and the remainder to other matters including independence.

The statutory fees to be paid for certain items of work undertaken by the Office are reviewed regularly and any increase normally becomes effective from 1 April. During the period ending 31 March 2004 there was no increase in the fees, which are set out in Appendix 10 and are available on the website, www.certoffice.org.

The net cost of the Office for the year ended 31 March 2003 was £636,297. My salary as Certification Officer at 31 March 2004 was £60,909 for a three-day week. This sum is pensionable at an additional cost to the public purse of £11,268 and 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 £454. 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 at 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 2004 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 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 1.16 and 1.17). 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. 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 to the Employment Appeal Tribunal.
- 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' association. 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, 54-66 Frederick Street, Edinburgh EH2 1LS. The lists of trade unions and employers' associations also appear on the website of the Certification Officer, www.certoffice.org.

Removal from the lists

- 1.6 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 Employment Appeal Tribunal 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.
- 1.7 The table below gives the names of the trade unions and employers' associations removed from the list during the period between 1 April 2003 and 31 March 2004. An asterisk denotes those which ceased to exist as a result of mergers. The others were dissolved or deemed no longer to be trade unions or employers' associations.

Trade Unions; England and Wales

Expression Union

Jones and Shipman Administrative Staff Association

Midland Area Association of Colliery Officials*

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

National Union of Mineworkers (Colliery Officials and Staffs Area) (Region No.2)

National Union for Professional Interpreters and Translators

Securicor Guarding Staff Association

Union of Dexion Workers

Trade Unions; Scotland

Scottish Further and Higher Education Association*

Employers' Associations; England and Wales

Association of Midland Advertising Agencies

Association of Northern Advertising Agencies

Association of Scottish Advertising Agencies

EEF East Midlands Association*

Mid-Anglian Engineering Employers Association*

National Association of Self Employed of Great Britain and Northern Ireland

Wire and Wire Rope Employers Association

Additions to the lists

- 1.8 The table below gives the names of the trade unions and employers' associations added to the list during 1 April 2003-31 March 2004.

Trade Unions; England and Wales

21ST Century Aircrew
City Screen Staff Forum
Distribution Staff Association
Heathrow Express Staff Association
Shield Guarding Staff Association
Warwick International Staff Association

Trade Unions; Scotland

Scottish Artists Union

Employers' Associations; England and Wales

EEF Midlands & Mid-Anglia Association

The lists at 31 March 2004

- 1.9 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 2004. They are reproduced as Appendices 1 and 2. The lists at 31 March 2004 comprised 195 trade unions and 85 employers' associations.

Changes during the year are summarised in the table below:

	<i>On lists at 31 March 2003</i>	<i>Changes between 1 April 2003 and 31 March 2004</i>		<i>On lists at 31 March 2004</i>
		<i>Additions</i>	<i>Removals</i>	
Trade Unions	197	7	9	195
Employers' Associations	91	1	7	85

Special register bodies

- 1.10 Under the Industrial Relations Act 1971 a special register was established which allowed organisations which were either registered companies or incorporated by charter or letters patent and which took part in collective bargaining on behalf of their members to be registered. These were usually professional bodies.
- 1.11 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.

1.12 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 of special register bodies must be elected in accordance with the statutory provisions.

1.13 The following thirteen special register bodies remain on the list of trade unions.

Association of Clinical Biochemists Limited
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 Chiropractors and Podiatrists
Society of Radiographers

Organisations not on the lists (Scheduled/Unlisted Organisations)

1.14 As entry in the lists is voluntary, it is difficult to say 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 20 trade unions and 80 employer's associations which met the statutory definitions but which had not sought to be listed as at 31 March 2004. The Certification Officer maintains schedules 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 and returns from the scheduled bodies are available for inspection along with those of listed organisations. The trade unions and employers' associations known to the Office but which have not applied to be included in the relevant lists are given in the schedules to Appendices 1 and 2 respectively.

1.15 During the year the Office approached two organisations which it was thought might be trade unions but of which it was previously unaware. In both cases, however, the organisation was found not to meet the statutory definition of a trade union.

Definition of a trade union

1.16 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

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

“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.

References in this Act to employers’ associations include combinations of employers and employers’ associations.”

Trade Union Independence

A trade union which is on the list of trade unions may apply for a certificate of independence. Chapter 2 discusses independence and explains how such applications are dealt with and their outcome.

The statutory provisions

2.1 Section 5 of 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 a 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 of all decisions reached. He may not take a decision on any 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. The Certification Officer must take into account any relevant information submitted by third parties and is required to give reasons if a certificate of independence is refused. The union concerned has a right of appeal to the Employment Appeal Tribunal.

2.3 The Certification Officer may withdraw a certificate 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 to the Employment Appeal Tribunal.

2.4 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 consolidation into the 1992 Act.

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”.

- 2.5 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 certain other bodies, 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

- 2.6 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 website of the Certification Office, 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. The Certification Officer is required by statute to disregard certain criteria in respect of prison service unions.

Applications, Decisions, Reviews and Appeals

- 2.7 No applications for certificates of independence were received during the period of this report. No formal reviews of existing certificates of independence were made during the period. However, the Certification Officer made enquiries of two independent trade unions, following information which he had received which suggested that the organisation concerned was no longer independent. The Certification Officer found that there was no evidence that either union was liable to interference from an employer which would call their independence into question.
- 2.8 During the period of this report three certificates of independence were cancelled because the unions concerned had ceased to exist as the result of mergers. Details are given in Appendix 3.

Annual Returns 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 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 union or employers' association must establish and maintain a satisfactory system of control of its accounting records, its cash holdings and all its receipts and remittances. The accounting records kept must be such as are necessary to give a true and fair view of the state of affairs of the organisation and to explain its transactions.
- 3.2 Under sections 32 and 131 of the Act such an organisation (unless it has been in existence for less than 12 months) is also required to submit an annual return to the Certification Officer in the form prescribed. The return is to include revenue and other accounts and a balance sheet, which must give a true and fair view of the matters to which they relate. The return must also give details of the salary and other benefits paid to each member of the executive, the president and the general secretary - see paragraph 4.14. Any changes in the organisation's officers or in the address of its head office must be shown on the return and it must be accompanied by a copy of the rules in force at the end of the period covered by the return. All funds maintained by the trade union or employers' association must normally be included in the return made to the Certification Officer.
- 3.3 Organisations which consist wholly or mainly of constituent or affiliated organisations or representatives of such organisations, are referred to within the Act as "federated" trade unions or employers' associations and are described fully within sections 118 and 135 of the Act. Such organisations are exempt from several provisions of the Act, including the duty to supply a copy of their rules, to keep accounting records and to submit annual returns. There is one trade union which does not file an annual return on this basis, the Council of Civil Service Unions.
- 3.4 It is not the responsibility of the Certification Officer to determine whether an organisation is financially viable but to ensure that clear accounts 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 Act a person is qualified to act as auditor to a trade union or employers' association 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 During the course of this reporting year the Certification Officer introduced a summary sheet to the annual return form, which all organisations must complete. The sheet is designed to give those inspecting annual returns a brief summary and to assist the Certification Officer in abstracting accurate data from the returns for the purpose of his annual report. It was introduced after consulting with a number of the major accountancy and audit firms who deal regularly with trade union and employers' association annual returns.
- 3.8 The Certification Officer has noted that an increasing number of audit firms are becoming 'limited liability partnerships' or adopting other forms of corporate status. During this reporting year the Certification Officer wrote to all trade unions and employers' associations to remind them of the provisions of section 34(5) of the 1992 Act which provides that a body corporate shall not act as auditor of a trade union or unincorporated employers' association. The Certification Officer is aware that the Employment Relations Bill, presently in Parliament, contains provisions that could repeal this restriction.
- 3.9 A trade union (other than a special register body as described in Chapter 1 of this Report, paragraphs 1.10 to 1.13) 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.
- 3.10 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.

- 3.11 In the year to 31 March 2004, six (1.6%) of the returns received by the Office were qualified by auditors. Most qualifications, as in previous years, were of a minor or technical nature and action has been taken to ensure such qualifications are not required in the future.
- 3.12 To avoid the duplication of broadly similar financial statements, a special register body (see Chapter 1 of this Report, paragraphs 1.10 to 1.13) or an employers' association incorporated under the Companies Acts may submit with its return, in lieu of the prescribed accounts, 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.
- 3.13 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 3.19 below).

Late submission of returns

- 3.14 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 (77%) the financial year coincides with the calendar year and ends on 31 December, but others differ. In this reporting period around 8.6% of returns were submitted more than three months after their due date. However by 31 March 2004, 98.5% 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 2004.

Scottish Building - Orkney Association
Producers Alliance for Cinema and Television
Lawson Mardon Star Ltd Managerial Staff 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. The returns received from trade unions covered 99.6% of all trade union members.

Prosecution

- 3.15 No prosecutions for failure to submit a return were initiated during this period, but one case was under active consideration at the end of the period.

Statement to members

- 3.16 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.”

- 3.17 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.”*

- 3.18 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

- 3.19 The 1992 Act (as amended) allows the Certification Officer to investigate the financial affairs of almost all trade unions and employers' associations (an exception being in respect of federated employers' associations and trade unions). 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.
- 3.20 Information suggesting circumstances where one or more of the situations described in paragraph 3.19 have occurred may come to the Certification Officer's attention from a variety of sources including, for example, 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.
- 3.21 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.
- 3.22 In the period 1 April 2003 to 31 March 2004 concerns were raised about particular aspects of the conduct of the financial affairs of five trade unions: the Associated Society of Locomotive Engineers and Firemen (ASLEF); GMB; Immigration Service Union (ISU); National Union of Mineworkers (NUM) and the Union of Democratic Mineworkers (UDM). In addition two other matters concerning one trade union were raised with the Certification Officer who decided that it was not necessary to contact the union in respect of the matters raised.

- 3.23 During this reporting period the Certification Officer used his powers under section 37A of the 1992 Act to require certain documents to be produced on one occasion. The Certification Officer directed the GMB to produce certain documents. The GMB complied with this direction and the matter was concluded without it becoming appropriate to appoint inspectors.
- 3.24 At the 31 March 2004 enquiries with ASLEF, ISU, NUM and UDM remain outstanding.
- 3.25 Where the Certification Officer concludes his enquiries regarding a possible financial irregularity, he may decide not to appoint an inspector but to issue a findings letter to the organisation concerned. A copy of any such letter is normally sent to the person or persons who raised the matter with the Certification Officer and, depending on the significance of the issue, a copy may be placed on the public file and the Certification Officer's website, www.certoffice.org. In this reporting period no such letters were issued.

Public inspection of annual returns

- 3.26 Copies of the annual returns and the rules of trade unions and employers' associations from 1974 onwards are available for public inspection at the Certification Office and, where appropriate, the Office of the Assistant Certification Officer for Scotland. Also available for public inspection (with notification of one week) are the 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.

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 complainant 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 applicant 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 is satisfied that the claim is well founded he is required to make such order as he considers appropriate for ensuring that the applicant:-
- (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.
- 3.31 In the period 1 April 2003 to 31 March 2004 the Certification Officer received one such application, against Amicus. The application was dismissed on withdrawal by the applicant, following the voluntary provision of financial information to the applicant by the union (*Beaumont v Amicus* (D/1/04)). In addition a further case against the Musicians Union (MU), outstanding from the previous annual report, was determined, (*Foster v Musicians Union* (D/13-17/03)). At the end of this reporting period there were no applications outstanding.
- 3.32 The decision in *Foster v Musicians Union* (D/13-17/03) was issued on 22 May 2003. In dismissing the application, the Certification Officer gave further consideration to the meaning of "accounting records" within sections 28(1) to 30 of the 1992 Act. This is a matter he had previously considered in *Mortimer v Amicus* (D/1/03). The Certification Officer found that the source documents, to which the applicant had sought access, were not accounting records of the union within the meaning of section 30 of the 1992 Act. In observing that the applicant had failed to take up the union's invitation to inspect the accounting records to which the union was prepared to give access, the Certification Officer stated that before an application to the Certification Officer or the court was made, union members should normally inspect the records to which the union was prepared to grant access, with a view to narrowing or better defining the issues in dispute.
- 3.33 A copy of the decisions in ***Beaumont v Amicus*** and ***Foster v Musicians Union***, 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 website of the Certification Officer, www.certoffice.org.

Financial and Membership Information and Membership Register

This chapter identifies changes in both trade union membership and expenditure and employers' association income and expenditure between figures reported last year and returns received during 2003-2004. It also covers the jurisdiction of the Certification Officer to determine complaints about the maintenance of trade unions' membership registers.

Annual Returns received in 2003-2004

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 accounting periods ended between October 2002 and September 2003. The majority (76%) of returns are for unions or employers' associations with accounting periods ending 31 December 2002.

4.2 A total of 385 organisations submitted returns for this period. These were made up as follows:

192	Listed trade unions
21	Scheduled/unlisted trade unions
90	Listed employers' associations
82	Scheduled/unlisted employers' associations

The Council of Civil Service Unions is not required to submit an annual return and does not do so; paragraph 3.3 explains why.

Trade unions: numbers and membership

4.3 A summary of statistics concerning the membership and finances of trade unions received during 2003-2004 is given in Appendix 4. Details are shown for the 16 trade unions with more than 100,000 members.

4.4 The statistics in Appendix 4 are based on returns from 213 unions compared with returns from 216 recorded in the Annual Report 2002-2003. All unions of substantial size are included in both sets of figures, which are therefore broadly comparable. The reduction in the number of unions is attributable in part to mergers and in part to smaller unions ceasing to exist. Chapter 6 of this report provides more information on amalgamations and transfers of engagements of both trade unions and employers' associations.

4.5 The trade unions from which returns were received had a total membership of 7,735,983. The major unions with a membership of over 100,000 accounted for

6,506,018 members or 84% of the total. Returns in the period show that trade union membership distribution by size as follows

Trade unions: distribution by size

			<i>Number of Unions</i>		<i>Membership of all Unions</i>	
<i>Number of Members</i>	<i>Number of Unions</i>	<i>Membership</i>	<i>Per cent</i>	<i>Cumulative Per cent</i>	<i>Per cent</i>	<i>Cumulative Per cent</i>
Under 100	44	1,125	20.7	20.7	0.0	0.0
100-499	40	11,668	18.8	39.4	0.2	0.2
500-999	22	16,686	10.3	49.8	0.2	0.4
1,000-2,499	23	40,547	10.8	60.6	0.5	0.9
2,500-4,999	23	83,842	10.8	71.4	1.1	2.0
5,000-9,999	10	72,122	4.7	76.1	0.9	2.9
10,000-14,999	7	81,720	3.3	79.3	1.1	4.0
15,000-24,999	9	167,808	4.2	83.6	2.2	6.1
25,000-49,999	15	517,016	7.0	90.6	6.7	12.8
50,000-99,999	4	237,431	1.9	92.5	3.1	15.9
100,000-249,999	6	786,478	2.8	95.3	10.2	26.1
250,000 and over	10	5,719,540	4.7	100.0	73.9	100
Total	213	7,735,983	100	100	100	100

- 4.6 The returns show that the total trade union membership figure of 7,735,983 remained very similar to the 7,752,381 recorded for the previous year. There was a small decrease of 16,398 members - around 0.2%. The total membership of about 7.7 million compares with 8.2 million in 1994 and a peak of 13.2 million in 1979.
- 4.7 The following table shows changes of 10,000 or more members in the total membership of individual unions during the reporting period.

Trade Union: Changes in Membership

	<i>Total Membership (000's)</i>		
	<i>2001-2002</i>	<i>2002-2003</i>	<i>% changes</i>
<i>Increases</i>			
National Union of Teachers	314	331	+ 5.7%
Association of Teachers and Lecturers	186	202	+ 8.6%
Royal College of Nursing of the United Kingdom	344	359	+ 4.4%
National Association of Schoolmasters and the Union of Women Teachers	253	265	+ 4.7%
Union of Shop Distributive and Allied Workers	310	321	+ 3.5%
GMB	689	703	+ 2.0%
UNISON: the Public Service Union	1,272	1,289	+ 1.3%
<i>Decreases</i>			
Graphical Paper and Media Union	170	102	- 40.0%
Communication Workers Union	279	266	- 4.7%
Transport and General Workers Union	848	835	- 1.5%

4.8 The annual return submitted by unions to the Certification Officer requires the union to provide figures of both total membership and members who pay contributions. There can be significant differences between these sets of figures which are 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 12% less than the figure for total membership, compared to 11% in the preceding year.

Membership register

4.9 A trade union has a duty to maintain a register of the names and addresses of its members, and so far as reasonably practicable 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 whether there is an entry on it relating to him or her. An application that a trade union has failed to comply with the requirements of section 24 of the 1992 Act can be made to either the Certification Officer or the court.

4.10 During the period 1 April 2003 to 31 March 2004 the Certification Officer received

no applications concerning the maintenance of the register of members' names and addresses. The application outstanding from the previous annual report was determined on 5th September 2003 (Bibby v Amicus (D/23/03)). Copies of all decisions of the Certification Officer are available from the Certification Office free of charge and decisions since 1 August 2001 are on the Certification Officer's website, www.certoffice.org.

Finance

- 4.11 Trade union income derives mainly from membership subscriptions and income from investments. There may also be additional income and/or assets arising if, for example, a union accepts the transfer of engagements of another union. The figures given at Appendix 4 include both general funds and others where applicable, eg contingency, superannuation and political funds. Political funds are shown separately in Appendix 9.
- 4.12 From the returns received during this reporting period, the figures show that the gross income of trade unions was £849.5 million, an increase of 2.9% over the adjusted figure for the previous period taking into account information supplied too late for last year's report. Income from members rose by 2.1% to £673.6 million while investment income rose by 18% and other income rose by 2.1%.
- 4.13 Gross expenditure by unions during this reporting period rose by 3.8% to £842.8 million, while at the end of the reporting period total funds (net assets) amounted to £913.9 million, an increase of 0.2%.

Salaries and benefits

- 4.14 Trade unions are required to include in their annual returns to the Certification Officer information about the salaries and benefits paid to certain of their national officers and executive members from the organisation's funds. For the purpose of the annual return, benefits are defined as being a) those designated as a taxable benefits 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 kept nationally or otherwise. Information from trade union annual returns received in the reporting period showed that 33% of unions paid a salary to their general secretary of over £40,000; 14% paid between £20,000 and £40,000; 13% paid up to £20,000; while the general secretaries of the remaining 39% did not receive a salary. Seven unions (3%), although paying no salary to their general secretary, do provide various benefits.
- 4.15 Appendix 5 gives information on the salary and benefit payments in respect of all unions who make a payment to their general secretary. It has come to the notice of the Office that, in a few trade unions, local or section officers are paid more than the general secretary but there is no requirement for these sums to be disclosed. Employer pension contributions make up a significant proportion of the benefits paid. Employer's national insurance contributions are excluded from the table at Appendix 5.

Employers' associations

- 4.16 A summary of statistics concerning the membership and finances of employers' associations based on returns received within the reporting period is given in Appendix 6. Details are given for each of the 31 associations (including scheduled/unlisted associations) with total income of more than £2,500,000. For comparative purposes, the statistics relating to eight engineering employers organisations, whose individual incomes are below £2,500,000, are combined in the table.
- 4.17 The statistics in Appendix 6 are based on returns from 172 employers' associations compared with returns from 182 in the report for 2002-2003.
- 4.18 From the returns received in this period, the figures show the gross income of employers' associations was £289 million compared with £278 million recorded for the previous year, an increase of 3.7%. Income from members rose from £106.1 million to £109.8 million. Income from investments rose from £14.8 million to £16 million. Other income rose by £5.5 million to £163.1 million. During the same period, gross expenditure increased from £274 million to £292 million, an increase of 6.6%.
- 4.19 The figures given in Appendix 6 include both general funds and, where applicable, funds maintained for specific purposes. At the end of the reporting period the net assets of employers' associations amounted to £236.2 million, a decrease of £3.1 million (1.3%) over the figure reported for the previous period.
- 4.20 Employers' associations are not required by the 1992 Act to provide the Certification Officer with details of officers' salaries and benefits.

Superannuation Schemes

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

The statutory provisions

- 5.1 Sections 38-42 and 131 of the 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 their specialist comment. The views of GAD are passed on to the union.

Schemes maintained

- 5.4 At the end of the reporting period there were 12 members' superannuation schemes, maintained by six trade unions, known to the Certification Officer. They are listed in Appendix 7 and are mostly small schemes, with only four having assets of over £250,000. The National Union of Rail, Maritime and Transport Workers is the only union with a scheme covering more than 25,000 members.

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

- 5.5 The Certification Officer may grant exemption from actuarial examination on the grounds that the scheme is only applicable to a small number of members or for any other special reasons. Three schemes are currently exempt.

Actuarial reports received 1 April 2003 - 31 March 2004

- 5.6 Only one report was received during this period. This concerned the AEEU Section Superannuation Fund maintained by Amicus. It was submitted to the Government Actuaries Department (GAD) for comment and, after receiving GAD's comment, was accepted by the Certification Officer. At the end of the period the Certification Officer was considering a request from Amicus that the APAC Members superannuation scheme be exempted from periodical examination on the grounds of the small number of members in the scheme.

Mergers

Mergers between trade unions and between unincorporated employers' associations must 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. It also shows changes of name registered during the period 1 April 2003 to 31 March 2004. Appendix 8 lists the mergers registered during the same period.

The statutory provisions

- 6.1 The 1992 Act and the Trade Unions and Employers' Associations (Amalgamations, etc.) Regulations 1975, as amended, lay down procedures governing two types of merger - transfers of engagements and amalgamations - between trade unions and between unincorporated employers' associations. The procedures apply to listed and scheduled/unlisted 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 website of the Certification Officer, 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, after giving the parties an opportunity to be heard may dismiss the complaint. If he finds it justified, 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, the Certification Officer will register the instrument of transfer at the end of the six week period (or a later date if specified in the instrument) if he is satisfied that the rules of the transferee organisation (including any amendments to the rules made to give effect to the provisions of the instrument) are in no way inconsistent with the terms of the instrument.
- 6.7 Formal documents kept by the Certification Officer relating to mergers under the 1992 Act are available for public inspection. See Appendix 10 for the statutory fee.

Guidance

- 6.8 The Office has produced two guidance booklets, one for trade unions on the statutory requirements for transfers of engagements and amalgamations 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 from the Certification Officer's website, www.certoffice.org. 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 2003 to 31 March 2004

- 6.9 During this reporting period there were three transfers of engagements involving trade unions, one transfer of engagements involving employers' associations, and one amalgamation of employers' associations. Details are given in Appendix 8.
- 6.10 The three transfers of engagements of trade unions which took place during this reporting period involved a total of 1,467 members. The largest merger was the transfer of the Scottish Further and Higher Education Association to the Educational Institute of Scotland, involving 800 members. This transfer took effect on 3 November 2003. At the end of the reporting period three transfers of engagements of trade unions were in progress.
- 6.11 During this period the Certification Officer received no complaints relating to a merger under the 1992 Act.

Changes of name

- 6.12 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. See Appendix 10 for the statutory fee. During the reporting period approval was given to the changes of name of two listed trade unions and two listed employers' associations as shown below.

Trade Unions

	Effective Date
<i>From</i> Derbyshire Building Society Staff Association	
<i>To</i> Derbyshire Group Staff Union	29 December 2003
<i>From</i> Volunteers and Private Sector Workers Union	
<i>To</i> Union of General and Volunteer Workers	26 February 2004

Employers' Associations

<i>From</i> National Association of Plumbing, Heating and Mechanical Services Contractors	
<i>To</i> Association of Plumbing and Heating Contractors	3 December 2003
<i>From</i> Anglian Marine Industries Association	
<i>To</i> British Marine Federation - East Anglia	17 October 2003

Political Funds

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 2003 to 31 March 2004.

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 require approval by the Certification Officer. An independent scrutineer must be appointed to oversee the requirements of 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 should 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 how much, 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 the organisation may be ordered 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 day 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 considered to be just under the circumstances. Appeals against decisions of the Certification Officer may be made to the Employment Appeal Tribunal but only on a question 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. During this reporting period the Certification Officer issued a revised Guidance booklet for unions holding a political fund review ballot. He consulted widely with all those unions which currently have a political fund and with other interested bodies, before issuing the new guidance, which included revised model rules for review ballots. The major revisions made related to the possibility of other documents being included with the ballot paper and clarification of the status of the Model Rules. This guidance is available from the Office free of charge and is on the 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 mandates for a political fund but political fund rules not yet approved

- 7.9 In December 1997, the Society of Radiographers balloted its members and the resolution to establish a political fund was approved. The Society of Radiographers is a special register body and is incorporated. Draft political fund rules were received from the union but an application for formal approval of the political fund rules has not been received. During the reporting period the union has been in touch with the Certification Officer concerning the resolution.

Organisations with new political fund rules approved for the first time during 2003-2004

- 7.10 During the reporting period two unions held ballots of their members on a resolution to establish political funds. These were Prospect and the National Union of Journalists. In the case of Prospect the vote was in favour of the resolution and political fund rules were approved on 8 May 2003. The National Union of Journalists notified the Certification Officer on 22 March 2004 that the members of the union had voted against the resolution to establish a political fund.

Amalgamations of unions already holding a political fund

- 7.11 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 of such a union (see paragraph 7.7) will count from the earliest of the political fund review dates of the amalgamating unions. During this reporting period there were no such amalgamations registered.

Political fund resolutions in force

- 7.12 The number of political fund resolutions in force at 31 March 2004 was 32; the same number as last year. One union, Prospect, established a political fund but another union, the Midland Area Association of Colliery Officials, ceased to exist on transferring its engagements to the National Association of Colliery Overmen, Deputies and Shotfirers. The listed trade unions with a political fund are identified with (P) in Appendix 1 and the scheduled/unlisted trade unions with a political fund are similarly identified in the schedule to Appendix 1.

Political fund review ballots

- 7.13 During the period two unions held a review ballot as required by section 73(3) and (4) of the 1992 Act. The unions concerned were Amicus and the Transport and General Workers Union. The members of both unions voted in favour of maintaining their respective political funds. Ballot rules were approved for review ballots for the Graphical Print and Media Union and the Bakers, Food and Allied Workers Union.

Political funds of trade unions at 31 March 2004

- 7.14 Detailed statistical information about the political funds of trade unions is derived from the unions' annual returns covering, in the majority of cases, the year ending 31 December 2002. The latest available information is given in Appendix 9.
- 7.15 Annual returns received during the period 1 April 2003 to 31 March 2004 show total income of political funds as £15.9 million, compared with £16.1 million in 2002-2003, and expenditure of £14 million, compared with £20.5 million in the preceding year. Total funds were shown as £11.4 million in the returns received during the reporting period, up by £1.5 million or 15.2% on the £9.9 million contained in the 2002-2003 Report.

Political fund membership

- 7.16 In this period the annual returns received show that the number of union members contributing to a political fund was 4,439,496 compared with 4,478,688 in 2002-2003, a decrease of 0.9%.

Exemption notices

- 7.17 Exemption notices (see paragraph 7.3) are obtainable from the organisation concerned or from the Certification Office. The Office supplied five such notices during the period 1 April 2003 to 31 March 2004.

Amendments to rules

- 7.18 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 2003 to 31 March 2004, Amicus and GMB.

Political fund complaints

- 7.19 During this reporting period the Certification Officer received one complaint relating to a political fund of a trade union. The complaint against the National Union of Rail Maritime and Transport Workers (RMT) was dismissed by the Certification Officer following the withdrawal of the complaint (Jones v RMT (CO/1913/21)). Copies of all decisions of the Certification Officer are available from the Certification Office free of charge and decisions since 1 August 2001 are on the Certification Officer's website, www.certoffice.org.

Elections for Certain Positions

The 1992 Act requires that certain officers and all members of a trade union's executive committee must be elected to it by postal ballot. If they 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 president or general secretary without having been elected to such position. Nor may anyone remain in such a position for more than five years without having been re-elected to it. There are 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 must give written reasons for his decision whether or not to grant a declaration and 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 applicant 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 website of the Certification Officer, www.certoffice.org.
- 8.7 When a hearing is held, certain expenses incurred by applicants and their necessary witnesses attending the hearings may be reimbursed by the Office at the discretion of the Certification Officer.
- 8.8 Appeals on any question of law arising in proceedings before or arising from a determination by the Certification Officer may be made to the Employment Appeal Tribunal (EAT).
- 8.9 If it is decided that there has been a breach of the statutory provisions the declaration made by the Certification Officer must state any steps which the union has taken or has agreed to take to remedy the breach or prevent such a breach from occurring in the future.
- 8.10 The Certification Officer may not consider an application if the applicant 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 applicant withdraws his/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 2003 to 31 March 2004 the Certification Officer received four applications relating to trade union elections. The four applications, which remain outstanding at 31 March 2004, are against Amicus (two applications), the National Union of Rail Maritime and Transport Workers (RMT) and the Stable Lads Association.

8.12 The four applications which were outstanding at 31 March 2003 were determined by the Certification Officer during the course of this reporting period. These were:

- **Ecclestone v NUJ (D/18/03).** Mr Ecclestone complained that the National Union of Journalists (NUJ) had breached section 46(1)(a) of the 1992 Act by failing to secure that the person elected to the post of President of the union had been elected in an election satisfying the requirements of the 1992 Act. The Certification Officer made the declaration sought by the applicant, but refused to make an enforcement order. He was satisfied that steps had been taken by the union to secure that the same or any similar failure would not occur in the future.
- **Ecclestone v NUJ (D/19/03).** In a separate application made by Mr Ecclestone the Certification Officer declared that the NUJ had breached section 50(1) of the 1992 Act in failing to accord equally to all members of the union entitlement to vote in the election for membership of the union's National Executive Council (NEC). The Certification Officer found that the union rules did not provide that it could restrict entitlements to vote for certain reserved seats on its NEC to only those members who were in its sections reserved for black members or members with disabilities.
- **Hutchinson v Amicus (D/20-21/03).** The application concerned the period of office without election of a joint general secretary of Amicus. It was dismissed by the Certification Officer on withdrawal by the applicant.
- **Stokes v GMB (D/24-27/03).** The Certification Officer issued a declaration that the union had breached section 47(1) of the 1992 Act in unreasonably excluding the applicant from standing as a candidate in the election for the position of Deputy General Secretary of the Union conducted in 2003. The Certification Officer also made an enforcement order requiring the election be treated as void and of no effect and that a further election be conducted in accordance with the rules of the union and the 1992 Act. (See paragraph 9.9 regarding breach of union rule complaints relating to the same matter.). The GMB appealed to the EAT but its appeal was dismissed (EAT/0769/03). The EAT concluded that the Certification Officer had not misdirected himself or erred in law in arriving at his decision.

8.13 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 website of the Certification Officer, www.certoffice.org.

Breach of Trade Union Rule Applications

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 applicant 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 applicant 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.
- 9.3 The Certification Officer may refuse to accept an application unless he is satisfied that the applicant 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 an application he is required to make such enquiries as he thinks fit and, before reaching a decision on the application, provide the applicant and the trade union with an opportunity to be heard. All hearings before the Certification Officer are held in public.
- 9.5 The Certification Officer must give reasons for his decision in writing and, where he makes the declaration sought, is required to make an enforcement order unless he considers that to do so would be inappropriate. The enforcement order may impose on the union one or more of the following requirements -

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

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

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

Applications and decisions

- 9.8 In the period 1 April 2003 to 31 March 2004 the Certification Officer received eleven applications relating to alleged breaches of union rule, two of which were determined in that period. In addition, the five applications against individual trade unions outstanding at 31 March 2003 were determined. The case of Carrigan v ASLEF (D/21-35/01) which had been remitted by the EAT for the Certification Officer to consider the issue of an enforcement order (see paragraph 9.10 of the Certification Officer's Annual Report 2002-2003), was also heard. At 31 March 2004 eight applications against individual trade unions remained outstanding.
- 9.9 The Certification Officer issued eighteen decisions during the period 1 April 2003 to 31 March 2004. No enforcement orders were issued. Of these eighteen decisions the following are noteworthy.
 - **Dennison v UNISON (D/12/03).** The Certification Officer found that the suspension of the applicant's legal assistance from the union was a disciplinary penalty imposed on the applicant by her branch and was in breach of the union's disciplinary rules. The Certification Officer concluded that this was a matter within the Certification Officer's jurisdiction under section 108A(2)(b) of the 1992 Act as a matter relating to disciplinary proceedings by the union. The Certification Officer considered that it was not appropriate to make an enforcement order on the union.
 - **Foster v Musicians Union (D/13-17/03).** The Certification Officer found that the union had neither breached its rules nor Article 6 of the European Convention of Human Rights in denying the applicant access to material he sought in connection with an internal disciplinary case brought against him by another member and in allegedly failing to hear the disciplinary case against him within a reasonable time. The Certification Officer rejected two other complaints on the basis that they were out of time.

- **Stokes v GMB (D/24-27/03).** The Certification Officer declared that the union had breached its rules by disqualifying the applicant from standing in the election for the post of Deputy General Secretary. An enforcement order was made requiring that the election be treated as void and that a further election be held (see also paragraph 8.12). The Certification Officer refused to make the declarations sought in two other matters brought by the applicant relating to the same election.
 - **Fradley v The Transport Salaried Staffs' Association (D/28-30/03).** At a preliminary hearing the Certification Officer dismissed the applicant's complaint as being out of time and outside the jurisdiction of the Certification Officer. Two other complaints brought by the applicant were also dismissed. In his decision, the Certification Officer commented on the extent of his jurisdiction under section 108A(2)(d) of the 1992 Act.
 - **Brooks v Union of Shop Distributive and Allied Workers (D/31-34/03).** The Certification Officer refused to make the declarations sought in respect of four complaints brought by the applicant against his union. The applicant's complaints related to the attendance of full-time officials at the union's Annual Delegates Meeting and decisions taken by the union's executive council in relation to that matter.
 - **Carrigan v Associated Society of Locomotive Engineers and Firemen (D/21-35/01).** This matter had been remitted to the Certification Officer by a decision of the Employment Appeal Tribunal (EAT/564/01/RN) sent to the parties on 27 February 2003 (see paragraph 9.10 of chapter 9 of the Certification Officer's Annual Report 2002-2003). The case concerned a breach by the union of its disciplinary rules and was remitted for the Certification Officer to consider whether to make an enforcement order. Following a hearing on 24 July 2003, the Certification Officer declined to make an enforcement order on the grounds that it was inappropriate to do so. On 24 October 2003 Mr Carrigan appealed to the EAT against that decision and on the 23 March 2004 Mr Carrigan's appeal was struck out by the EAT.
- 9.10 Copies of all decisions of the Certification Officer are available free of charge from the Certification Office and decisions made since 1 August 2001 are available on the website of the Certification Officer, www.certoffice.org.
- 9.11 In the period 1 April 2003 to 31 March 2004, a total of 563 enquiries were received.
- | | |
|---|----|
| General advice on the role of the Certification Officer | 93 |
| Appointment, election or dismissal from any office in the union | 62 |
| Disciplinary proceedings within the union | 51 |
| Balloting of union members (other than industrial action) | 52 |

Constitution or proceedings of a union's executive committee or certain other bodies	44
Inadequate representation of members by their union	111
Union benefits or membership issues	39
Others	111
Total	563

This in an increase of 177 enquiries on the corresponding period in 2002-2003 (see para 9.12 of the 2002-2003 Annual Report).

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

Appendix 1

(see paragraph 1.9)

List of Trade Unions at 31 March 2004

Notes:

Italics denotes a trade union first entered in the list during 1 April 2003 to 31 March 2004.

* Denotes a trade union holding a certificate of independence at 31 March 2004.

Denotes a trade union which has been refused a certificate of independence.

(P) Denotes a trade union with a political fund resolution in force at 31 March 2004.

◇ Denotes a trade union exempted from submitting an annual return.

England and Wales

21st Century Aircrew

*Abbey National Group Union - ANGU

*Accord

Alliance for Finance

*Alliance and Leicester Group Union of Staff

*Ambulance Service Union

*Amicus (P)

Associated Chiropodists and Podiatrists Union

*Associated Society of Locomotive Engineers and Firemen (P)

*Association for College Management

*Association of Cambridge University Assistants

*Association of Clinical Biochemists Limited

*Association of Educational Psychologists

*Association of Licensed Aircraft Engineers (1981)

*Association of Local Authority Chief Executives

*Association of Magisterial Officers

Association of Management and Professional Staffs

Association of Plastic Operatives and Engineers

*Association of Principal Fire Officers

*Association of Professional Ambulance Personnel

*Association of Professional Music Therapists in Great Britain

Association of Somerset Inseminators

*Association of Teachers and Lecturers

*Association of University Teachers (P)

*Audit Commission Staff Association

*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 Advisers and Lecturers in Physical Education
- *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
- *Ceramic and Allied Trades Union (P)
- *Chartered Society of Physiotherapy
- *Cheshire Building Society Staff Association
 - Church and Oswaldtwistle Power-Loom Overlookers Society
 - City Screen Staff Forum*
- *Communication Workers Union (P)
- *Community and District Nursing Association
- *Community and Youth Workers Union
- *Connect; The Union for Professionals in Communications (P)
- ◇Council of Civil Service Unions
- *Derbyshire Group Staff Union
- #Dexion Staff Association
- *Diageo Staff Association
- *Diplomatic Service Association
- *Directors Guild of Great Britain
 - Distribution Staff Association*
- *Ellington Branch of the North East Area of the National Union of Mineworkers
- *Engineering and Fasteners Trade Union
- *Engineering Officers Technical Association
- *Equity (Incorporating the Variety Artists Federation)
- *Federation of Professional Railway Staff
- *FDA
- *Fire Brigades Union (P)
- *Fire Officers Association

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◇ Denotes a trade union exempted from submitting an annual return.

- *Gallaher Sales Staff Association
- *General Dental Practitioners Association
- General Federation of Trade Unions
- General Practitioners Union
- *General Union of Loom Overlookers (P)
- *GMB (P)
- *Graphical Paper and Media Union (P)
- *Guild of Professional Teachers of Dancing

- Harrods Staff Union
- Headmasters and Headmistresses Conference
- Heathrow Express Staff Association*
- Hongkong Bank Group UK Staff Association
- *Hospital Consultants and Specialists Association
- *Hyde and District Textile (Technicians and Operatives) Association

- *Immigration Service Union
- Institute of Football Management and Administration
- *Institute of Journalists (Trade Union)
- IPF
- *Irish Bank Officials Association
- *Iron and Steel Trades Confederation (P)

- *Lawson Mardon Star Ltd Managerial Staff Association
- Lecturers Employment Advice and Action Fellowship
- *Leek United Building Society Staff Association
- Leicestershire Overmen Deputies and Shotfirers Association
- *Lloyds TSB Group Union

- *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 Educational Inspectors Advisers and Consultants
- *National Association of Head Teachers
- *National Association of NFU Group Secretaries
- *National Association of Schoolmasters and Union of Women Teachers (P)
- *National Association of Teachers in Further and Higher Education (P)
- National Bus Drivers Union
- *National Federation of Sub-Postmasters
- National House Building Council Staff Association
- *National Society for Education in Art and Design
- *National Union of Domestic Appliances and General Operatives (P)
- *National Union of Flint Glass Workers
- *National Union of Journalists

- *National Union of Knitwear Footwear and Apparel Trades (P)
- *National Union of Lock and Metal Workers
- *National Union of Marine Aviation and Shipping Transport Officers
- *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 (Midland 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
 - NCH Marketing Services Ltd Staff Association
- #NISA

- *Portman Staff Association
- *Prison Governors Association
- *Prison Officers Association (P)
- *Prison Service Union
- *Professional Association of Cabin Crew Employees
- *Professional Association of Teachers
 - Professional Cricketers Association
- #Professional Flight Instructors Association
 - Professional Footballers Association
 - Professional Rugby Players Association
- *Prospect (P)
- *Public and Commercial Services Union
 - Public Transport (Staff) Consortium

Notes:

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Denotes a trade union which has been refused a certificate of independence.

(P) Denotes a trade union with a political fund resolution in force at 31 March 2004.

◇ Denotes a trade union exempted from submitting an annual return.

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

Scarborough Building Society Staff Association (SOCASS)

- *Secondary Heads Association
- Securicor Custodial Services Staff Association
- Sheffield Wool Shear Workers Trade Union
- Shield Guarding Staff Association*
- *Skipton Staff Association
- *Society of Authors Limited
- *Society of Chiropodists and Podiatrists
- *Society of Radiographers
- *Society of Union Employees (UNISON)
- *Stable Lads Association
- *Staff Association of Bank of Baroda (UK Region)
- *Staff Union West Bromwich Building Society
- *Staffordshire Building Society Staff Association

- *Teston Independent Society of Cricket Ball Makers
- *Transport and General Workers Union (P)
- *Transport Salaried Staffs Association (P)

*UBAC

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

*UNIFI

*Union of Construction Allied Trades and Technicians (P)

Union of Country Sports Workers

*Union of Democratic Mineworkers (P)

Union of Federation of Employed Door Supervisors and Security

*Union of Finance Staff

Union of General & Volunteer Workers

*Union of Senior Revenue Officials (P)

*Union of Shop Distributive and Allied Workers (P)

*UNISON - The Public Service Union (P)

*United Road Transport Union

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 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

Notes:

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◇ Denotes a trade union exempted from submitting an annual return.

Schedule to Appendix 1

(see paragraph 1.14)

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 2004

Notes:

Italics denotes a trade union first included in this appendix during the period 1 April 2003 to 31 March 2004

‡A branch of an independent American trade union

(P) Denotes a trade union with a political fund resolution in force at 31 March 2004.

England and Wales

Anchor Group Staff Association

Association of Flight Attendants (Council 07)‡

Confederation of Shipbuilding and Engineering Unions

Federation of Entertainment Unions

Friends Provident Line Managers Association

Ice Hockey Players Association (Great Britain)

Immigration and Nationality Workers Union

International Federation of Actors

International Transport Workers Federation

Joint Committee of Light Metal Trades Union (1992)

Leeds and Holbeck Building Society Staff Association

Locum Doctors Association

National Union of Mineworkers (North East Area)

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

Nestle Field Sales Staff Association

NFU Staff Association

Society of Local Council Clerks

Society of Registration Officers (Births, Deaths and Marriages)

Trades Union Congress

Scotland

National Union of Mineworkers - Scottish Area

Appendix 2

(see paragraph 1.9)

List of Employers' Associations at 31 March 2004

Notes:

Italics denotes an employers' association first entered in the list during 1 April 2003 to 31 March 2004.

England and Wales

Advertising Producers Association
Association of British Orchestras
Association of Circus Proprietors of Great Britain
Association of Ductwork Contractors and Allied Services
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 Leavers Lace Manufacturers Association
British Marine Federation – East Anglia
British Precast Concrete Federation Limited
British Printing Industries Federation
Builders Merchants Federation

Cinema Exhibitors Association
Clothing Trades Alliance
Construction Confederation
Construction Plant-Hire Association
Co-operative Employers Association

East of England Local Government Conference
East Midlands Regional Local Government Association
EEF East Midlands & Mid-Anglia Association
EEF North West
EEF Northern Association
EEF South

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)
Engineering Employers Western Association
England and Wales Cricket Board Limited

Federation of Dredging Contractors
Federation of Master Builders

Glass and Glazing Federation

Heating and Ventilating Contractors Association
Hinckley and District Knitting Industry Association

Lancashire Textile Manufacturers Association
Lancaster Morecambe and South Lakeland Master Plumbers Association
Leather Producers Association

Mastic Asphalt Council

National Association of Farriers Blacksmiths and Agricultural Engineers
National Association of Master Bakers
National Farmers Union
National Federation of Master Window and General Cleaners
National Federation of Retail Newsagents
National Fillings Association
National Hairdressers Federation
National Pharmaceutical Association Limited
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

Representative National Organisation of Employers of Local Authority Staff
Retail Motor Industry Federation Ltd

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

South Western Provincial Employers Organisation
Stourbridge Crystal Glass Manufacturers Association

Thermal Insulation Contractors Association

Vehicle Builders and Repairers Association Limited

Yorkshire and Humberside Local Authorities Employers Forum
Yorkshire Glass Manufacturers Association

Scotland

British Box and 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 1.14)

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 2004

England and Wales

Association of Colleges

B F M Limited

British Ceramic Confederation

British Footwear Association

British Jewellery and Giftware Federation Ltd

British Luggage and Leather Goods Manufacturers Association

British Narrow Fabrics Association

Chemical Industries Association Ltd

Confederation of British Wool Textiles Limited

Corrugated Packaging Association

Covent Garden Tenants Association Limited

Dairy Industry Federation Ltd

Federation of Engineering Design Companies Ltd

Felt Roofing Contractors Employers Association

Fencing Contractors Association

Food Manufacturers Industrial Group

Freight Transport Association

Incorporated Guild of Hairdressers Wigmakers and Perfumers

Kaolin and Ball Clay Association (UK)

Kidderminster District Carpet Manufacturers and Spinners Association

Leicester and County Footwear Manufacturers 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 Federation of Roofing Contractors Ltd
North West Timber Trades Association
North Western Local Authorities Employers Organisation
Northern Brick Federation

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

United Kingdom Jute Goods Association Ltd
Universities and Colleges Employers Association

West Midlands Local Government 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

Building Employers Federation
Banff and Moray Master Plumbers Association

Central Counties Plumbing and Mechanical Services Association
Civil Engineering Contractors Association (Scotland)

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

Edinburgh and District Master Builders Association
Edinburgh and District Plumbing Employers 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
Greenock and District Building Trades (Employers) Federation

Highland Building Employers Association

Inverness and Northern District Master Plumbers Association

Lanarkshire Master Plumbers Association

National Metal Trades Federation

Perth and District Master Plumbers Association

Renfrewshire Master Builders

Scottish Association of Master Bakers
Scottish Association of Meat Wholesalers
Scottish Beer and Pub Association
Scottish Building
Scottish Building - Dundee and Angus
Scottish Building - Fife Association
Scottish Building Glasgow & District Association
Scottish Building - Moray District
Scottish Building Orkney Association
Scottish Building - Perth and District
Scottish Federation of Meat Traders Association
Scottish Knitwear Association
Scottish Master Slaters and Roof Tilers Association
Scottish Wholesale Association

Western Isles Building Employers Association

Appendix 3

(see paragraph 2.7 and 2.8)

Decisions on Trade Union Independence during the period 1 April 2003 to 31 March 2004

Certificates of independence issued

None

Certificates of independence refused

None

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

Midland Area Association of Colliery Officials

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

Scottish Further and Higher Education Association

Certificates cancelled because the union was dissolved

None

Appendix 4

Summary of Statistics - Trade Unions, returns received during the period 1 April 2003 - 31 March 2004

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 these annual returns and provide a simple analysis. Copies of individual annual returns are available from the Office. Individual unions publish their own accounts with considerable variations in format. It may be difficult therefore to correlate the figures in the Appendix with those in any published accounts of individual trade unions. *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 2002, the table includes returns from trade unions with year ending dates ranging from October 2002 to September 2003 and therefore due in this Office between 1 April 2003 and 31 March 2004.*

Notes to the Summary of Statistics schedule

- (a) The total membership reported by some trade unions includes a number of special categories (eg. honorary, retired, unemployed) 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) Total income and total expenditure include receipts, outgoings and all other items which increased or decreased a union's total funds during the year. It is not confined to normal revenue income and expenditure. Tax recoveries and provisions no longer required are therefore 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.
- (e) Investment assets are shown at cost.

Summary of Statistics – Trade Unions, 2002-2003

(see paragraph 4.3)

	Number of Members (a) (1)	GROSS INCOME			
		From Members	From Investments (b)	Other Income	Total Income (c)
		£000s (2)	£000s (3)	£000s (4)	£000s (5)
UNISON: The Public Service Union	1,289,000	119,499	1,907	3,343	124,749
Amicus	1,061,551	65,052	3,016	3,252	71,320
Transport and General Workers Union	835,351	71,588	842	228	72,658
GMB	703,970	45,346	990	916	47,252
Royal College of Nursing of the United Kingdom	359,739	18,884	0	375	19,259
National Union of Teachers	331,910	20,607	1,025	1,454	23,086
Union of Shop Distributive and Allied Workers	321,151	21,333	1,213	2,559	25,105
Public and Commercial Services Union	285,582	23,236	(196)	(1,223)	21,817
Communication Workers Union	266,067	27,664	372	332	28,368
National Association of Schoolmasters and Union of Women Teachers	265,219	16,965	648	1,806	19,419
Association of Teachers and Lecturers	202,585	10,983	517	143	11,643
UNIFI	147,607	11,060	433	2,529	14,022
Union of Construction Allied Trades and Technicians	115,007	5,189	109	1,626	6,924
British Medical Association	113,711	26,958	18,342	57,220	102,520
Prospect	105,480	12,704	(48)	199	12,855
Graphical Paper and Media Union	102,088	13,907	1,539	6,940	22,386
Total for above unions with 1000,000 members or more	6,506,018	510,975	30,709	81,699	623,383
Total for 176 other listed unions with less than 100,000 members	1,221,474	133,351	11,347	39,893	184,591
Total for listed unions	7,727,492	644,326	42,056	121,592	807,974
Trades Union Congress	-	12,124	3,226	7,221	22,571
Total for 20 other scheduled/unlisted unions which have submitted returns	8,491	17,106	259	1,545	18,910
Total for all unions 2002-2003	7,735,983	673,556	45,541	130,358	849,455
Total for all unions 2001-2002 (d)	7,752,381	659,465	38,603	127,678	825,746

Notes - see previous page

Appendix 4

GROSS EXPENDITURE	TOTAL FUNDS		GROSS ASSETS				Total Liabilities
Total Expenditure (c) £000s (6)	Beginning of the Year (d) £000s (7)	End of the Year (e) £000s (8)	Fixed Assets (f) £000s (9)	Investments (g) £000s (10)	Other Assets (h) £000s (11)	Total Assets (i) £000s (12)	
126,110	92,883	91,522	28,162	6,674	67,190	102,026	10,504
67,496	73,331	77,155	47,066	59,359	11,717	118,142	40,987
70,726	89,578	91,510	57,720	25,941	13,231	96,892	5,382
52,553	47,707	42,406	27,129	19,987	5,371	52,487	10,081
19,259	0	0	0	0	7	7	7
22,808	10,942	11,220	3,902	4,085	6,173	14,160	2,940
23,511	24,381	25,975	9,315	14,820	2,305	26,440	465
28,794	28,643	21,666	10,952	7,692	4,319	22,963	1,297
30,602	21,677	19,443	13,177	6,626	8,449	28,252	8,809
17,793	22,715	24,341	10,352	12,812	3,199	26,363	2,022
11,541	7,703	7,805	3,655	634	6,012	10,301	2,496
11,646	2,839	5,215	5,617	1,421	1,147	8,185	2,970
4,955	3,435	5,404	3,960	14	2,201	6,175	771
88,175	71,633	85,978	7,269	55,100	54,117	116,486	30,508
13,386	28,114	27,583	12,956	13,046	2,313	28,315	732
24,938	34,644	32,092	4,450	14,099	18,222	36,771	4,679
614,293	560,225	569,315	245,682	242,310	205,973	693,965	124,650
182,068	271,718	274,241	204,464	154,465	72,913	431,842	157,601
796,361	831,943	843,556	450,146	396,775	278,886	1,125,807	282,251
22,351	8,219	8,439	5,940	6,195	405	12,540	4,101
24,105	67,099	61,904	12,719	19,145	44,490	76,354	14,450
842,817	907,261	913,899	468,805	422,115	323,781	1,214,701	300,802
811,881	898,374	912,239	320,874	443,122	336,463	1,100,459	188,220

Appendix 5

(see paragraph 4.14)

Salary and Benefits of Trade Union General Secretaries

England and Wales

	<i>Title</i> (General Secretary unless stated)	<i>£</i> <i>Salary</i>	<i>£</i> <i>Benefits</i>
Abbey National Group Union - ANGU		1,556	6,153
Accord		79,579	14,914
Alliance and Leicester Group Union of Staff		-	6,868(a)
Ambulance Service Union		-	1,010(a)
Amicus	Joint General Secretaries	78,882	10,162
		72,358(c)	131,252(b)(c)
		6,578(c)	2,260(c)
Associated Society of Locomotive Engineers and Firemen		61,950	15,482
Association for College Management		59,088	8,225
Association of Educational Psychologists		45,343	4,937
Association of Magisterial Officers		47,649	7,555
Association of Professional Music Therapists in Great Britain	Chairperson	-	2,363(a)
Association of Teachers and Lecturers		96,846	94,364(b)
Association of University Teachers		62,613	14,037
Bakers Food and Allied Workers Union		34,091	9,784
Boots Pharmacists Association (BPA)		-	6,475(a)(d)
British Air Line Pilots Association		77,654	34,930
British Association of Advisers and Lecturers in Physical Education		23,891	-
British Association of Colliery Management		56,393	5,469
British Association of Dental Nurses		21,046	1,431
British Association of Journalists		17,000	544
British Association of Occupational Therapists	Chairman	7,323(e)	-
British Dental Association	Chief Executive	95,300	9,484
British Medical Association	Chairman	-	53,450(a)
British Union of Social Work Employees		6,300	802
Broadcasting Entertainment Cinematograph and Theatre Union		47,811	13,776
Ceramic and Allied Trades Union		33,915	23,498

Chartered Society of Physiotherapy	Chief Executive	74,436	12,954
Church and Oswaldtwistle Power Loom		-	70(a)
Overlookers Society			
Communication Workers Union		72,210	43,301
Community and Youth Workers Union		35,761	2,861
Confederation of Shipbuilding and Engineering Unions		55,332	17,153
Connect; The Union for Professionals in Communications		66,000	17,288
Engineering and Fasteners Trade Union		200	-
Equity (Incorporating the Variety Artistes Federation)		62,300	14,228
FDA		68,250	13,786
Federation of Entertainment Unions		10,015	-
Fire Brigades Union		52,569	29,232
Fire Officers Association		28,133	3,551
GMB		70,000	19,000
General Dental Practitioners Association		-	25,235(a)
General Federation of Trade Unions		48,774	16,737
General Union of Loom Overlookers		23,225	-
Graphical Paper and Media Union		70,625	14,085
Guild of Professional Teachers of Dancing		-	7,250(a)
Headmasters and Headmistresses Conference		76,593	808
Hospital Consultants and Specialists Association	Administrative Director	45,752	5,403
Hyde and District Textile (Technicians and Operatives) Association		399	-
IPF		-	5,061
Ice Hockey Players Association (Great Britain)	Executive Director	-	1,500(a)
Immigration Service Union		6,000	-
Institute of Football Management and Administration		8,500	-
Institute of Journalists (Trade Union)		22,460	-
International Federation of Actors		40,000	6,400
International Transport Workers Federation		55,368	-
Irish Bank Officials Association		81,714(IR)	33,904(IR)
Iron and Steel Trades Confederation		61,146	13,766
Lecturers Employment Advice and Action Fellowship		18,407	4,166
Lloyds TSB Group Union		79,360	39,860
Midland Area Association of Colliery Officials		21,782(c)	11,066(c)
Musicians Union		2,026(c)	799(c)
NAPO - The Trade Union and Professional Association for Family Court and Probation Staff		46,710	8,971

NISA		79,022	4,824(d)
National Association of Colliery Overmen Deputies and Shotfirers (South Wales Area)		28,357	-
National Association of Colliery Overmen Deputies and Shotfirers (Yorkshire Area)	President	29,068	3,080(c)
National Association of Co-operative Officials		57,251	10,680
National Association of Educational Inspectors Advisers and Consultants		55,436	-
National Association of Head Teachers		97,004	16,862
National Association of NFU Group Secretariess		-	6,500(a)
National Association of Schoolmasters and the Union of Women Teachers		77,956	23,755
National Association of Teachers in Further and Higher Education		54,582	10,643
National Federation of Sub-Postmasters		61,638	18,062
National Society for Education in Art and Design		41,840	-
National Union of Domestic Appliances and General Operatives		28,286	12,650
National Union of Flint Glassworkers		1,750	-
National Union of Journalists		50,796	3,936
National Union of Knitwear Footwear and Apparel Trades		39,360	12,930
National Union of Lock and Metal Workers		26,130	13,244
National Union of Marine Aviation and Shipping Transport Officers		64,406	12,885
National Union of Mineworkers	President	42,694	948
National Union of Mineworkers (Cokemens Area)		44,508	660
National Union of Mineworkers (Colliery Officials and Staffs Area) (Region No. 4)		17,300	8,916
National Union of Mineworkers (Derbyshire Area)		44,318	23,705
National Union of Mineworkers (Durham Area)		6,734	10,056
National Union of Mineworkers (Leicester Area)		26,124	2,598
National Union of Mineworkers (North East Area)		48,014	5,391
National Union of Mineworkers (North Stafford Midlands Area)		23,378	-
National Union of Mineworkers (North Wales Area)		19,675	4,917
National Union of Mineworkers (Northumberland Area)		39,394(f)	15,199
National Union of Mineworkers (South Wales Area)		39,395	-
National Union of Rail Maritime and Transport Workers		52,433	10,057
National Union of Teachers		89,875	17,711
Nationwide Group Staff Union		69,072	16,777
Prison Officers Association		52,877	12,934
Prison Service Union		32,600	10,038
Professional Association of Teachers		57,313	6,505
Professional Footballers Association		520,824	156,424
Professional Rugby Players Association		61,200	-

Prospect	Joint General Secretaries	91,590(g) 62,268(c)	13,186(g) 214,632(c)(b)
Public and Commercial Services Union	Joint General Secretaries	62,597 29,215(c)	29,371(h) 37,825(b)(c)
RSPB Staff Association	Chairperson	750	-
Retail Book Stationery and Allied Trades Employees Association	President	35,313	4,827
Retained Firefighters Union		32,586	3,140
Retired Officers Association		2,000	-
Royal College of Midwives		90,590(i)	23,282(i)
Royal College of Nursing of the United Kingdom		111,660(j)	21,985(j)
Secondary Heads Association		74,536	8,756
Securicor Custodial Services Staff Association		25,937	5,322
Securicor Guarding Staff Association		22,094	35
Society of Authors Limited		76,500	37,773
Society of Chiropodists and Podiatrists	Chief Executive	49,607(d)	3,968(d)
Society of Local Council Clerks	Chief Executive	17,347	1,134
Society of Radiographers		30,351	4,095
Society of Registration Officers (Births, Deaths and Marriages)		-	520(a)
Stable Lads Association		35,000	-
Trades Union Congress		68,577	17,332
Transport and General Workers Union		76,242	14,323
Transport Salaried Staffs Association		55,567	-
UBAC		40,244	5,288
UNIFI	Joint General Secretaries	70,008 49,474	14,260 13,677
UNISON - The Public Service Union		80,078	13,060
Undeb Cenedlaethol Athrawon Cymru (National Association of Teachers of Wales)		32,591	2,471
Union of Construction Allied Trades and Technicians		55,251	13,029
Union of Democratic Mineworkers		100,250(k)	17,869(k)
Union of Finance Staff		68,005	3,818
Union of Shop Distributive and Allied Workers		68,672	18,557
Union of Textile Workers		19,876	6,690
United Road Transport Union		43,428	13,054
Writers Guild of Great Britain		40,000	4,060

Scotland

Association of Head Teachers in Scotland	-	14,000
Educational Institute of Scotland	72,558	11,103
Independent Federation of Nursing in Scotland	12,100	-
NACODS Scottish	10,913	-
National Union of Mineworkers (Scotland Area)	14,538	2,237
Offshore Industry Liaison Committee	27,163	-
Scottish Carpet Workers Union	21,387	2,020
Scottish Further and Higher Education Association	28,752	-
Scottish Secondary Teachers Association	62,058	8,872

Notes:

- (a) Honorarium.
- (b) Includes, as a substantial proportion of the sum, a severance payment.
- (c) Payment made for a period of less than 12 months.
- (d) Total paid in respect of 2 people and is not the sum paid to one individual.
- (e) Payment made to Chairman's employer in respect of his services.
- (f) 60% of General Secretary's salary (including pension and employer's national insurance contributions) is charged to the Provident and Benevolent Fund.
- (g) Payment for a period of more than 12 months.
- (h) Includes, as a substantial proportion of the sum, payments for relocation and additional housing costs.
- (i) Includes a payment in respect of the General Secretary's role as Company Secretary to the RCM Trust.
- (j) Includes payments made in respect of the General Secretary's role in the associated charitable trust.
- (k) £88,394 of this salary and £17,869 of benefits is paid in respect of the position of President of the Nottinghamshire section of the UDM.

Appendix 6

Summary of Statistics - Employers' Associations, returns received during the period 1 April 2003 - 31 March 2004

Appendix 6 provides a simple analysis of the annual returns made by employers' associations to the Certification Officer. Copies of individual annual returns are available from the Office. It may be difficult to correlate these figures with those in an association's published accounts. Where an association has functions outside the field of industrial relations the return may relate to its activities as a whole and not merely to its industrial relations functions. In some case figures from last year's report may have been changed due to information received after publication. *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 2002, the table includes returns from employers' associations with year ending dates ranging from October 2002 to September 2003 and therefore due in this Office between 1 April 2003 and 31 March 2004*

Notes

- (a) Income from investments includes interest on short term deposits.
- (b) Total income and gross expenditure include receipts, outgoings and all other items which increased or decreased an employers' association's funds during the year. It is not confined to normal revenue income and expenditure. Tax recoveries and provisions no longer required are therefore 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) Investment assets are shown at cost.
- (e) Individually each of the Associations has reported a total income less than £2.5m.
- (f) Figure shown includes adjustments to valuation of assets.

Summary of Statistics – Employers’ Associations, 2002-2003

(see paragraph 4.16)

	GROSS INCOME				GROSS EXPENDITURE
	From Members	From Investments	Other Income	Total Income	
	£000s	(a) £000s	(b) £000s	(b) £000s	(b) £000s
Employers' Associations with over £2,500,000 total income	(1)	(2)	(3)	(4)	(5)
EEF West Midlands Association	2,222	230	5,925	8,377	8,139
Engineering Employers' Federation	3,396	2,983	993	7,372	9,647
EEF South	1,611	64	2,634	4,309	4,562
EEF North West	1,293	29	2,221	3,543	3,472
Engineering Employers Western Association	1,070	36	1,477	2,583	2,527
8 Other Engineering Employers Associations in Great Britain	6,025	323	4,593	10,941	10,286
England and Wales Cricket Board Limited	0	404	67,066	67,470	67,793
National Farmers Union	21,753	403	2,179	24,335	26,439
Retail Motor Industry Federation Limited	3,394	283	17,867	21,544	20,597
Freight Transport Association Limited	3,429	45	14,892	18,366	19,170
Electrical Contractors Association	2,907	2,800	7,114	12,821	11,701
Heating and Ventilating Contractors Association	2,819	496	6,633	9,948	9,085
Chemical Industries Association Limited	4,981	83	2,006	7,070	6,837
British Printing Industries Federation	2,903	2,914	53	5,870	6,329 (f)
Association of Colleges	3,690	78	2,018	5,786	5,814
National Federation of Retail Newsagents	5,007	21	126	5,154	5,657
Road Haulage Association Limited	2,298	74	1,944	4,316	4,110
Society of London Theatre "SOLT"	397	32	3,639	4,068	4,112
South Western Provincial Employers Organisation	900	94	2,974	3,968	3,973
Federation of Master Builders	3,453	43	296	3,792	3,662
The Newspaper Society	3,606	69	53	3,728	3,675
National Pharmaceutical Association Limited	2,761	10	601	3,372	3,584
Dairy Industry Association Limited	2,077	805	0	2,882	2,757
East of England Local Government Conference	1,085	50	1,405	2,540	2,695
Total for above Employers' Associations	83,077	12,369	148,709	244,155	246,623
Total for 65 other listed Employers' Associations	18,143	2,856	8,035	29,034	29,153
Total 76 other unlisted Employers' Associations	8,623	788	6,395	15,806	16,251
Total for all Employers' Associations 2002-2003	109,843	16,013	163,139	288,995	292,027
Total for all Employers' Associations 2001-2002	106,132	14,843	157,610	278,585	273,971

*Scheduled/Unlisted Employers' Associations

Notes - see previous page

Appendix 6

TOTAL FUNDS		GROSS ASSETS				Total Liabilities	Number of Members
Beginning of the Year	End of the Year	Fixed Assets	Investment Assets	Other Assets	Total Assets		
(c)		(d)					
£000s	£000s	£000s	£000s	£000s	£000s	£000s	
(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
5,971	6,209	4,020	2,366	2,375	8,761	2,552	895
30,947	28,672	2,637	25,794	1,630	30,061	1,389	14
2,935	2,682	1,376	933	1,000	3,309	627	377
1,309	1,380	1,579	45	1,332	2,956	1,576	585
1,005	1,061	355	453	782	1,590	529	507
6,963	7,618	2,020	2,405	5,088	9,513	1,895	2,692
-387	-710	826	0	29,847	30,673	31,383	157
54,625	52,521	48,143	17,600	5,250	70,993	18,472	138,621
7,692	8,639	6,701	0	9,110	15,811	7,172	9,492
4,883	4,079	2,829	0	5,065	7,894	3,815	11,072
44,267	45,387	3,201	51,673	10,915	65,789	20,402	2,122
4,195	5,058	1,091	2,371	6,261	9,723	4,665	1,398
358	591	53	0	2,993	3,046	2,455	163
2,509	2,050	784	1,079	2,243	4,106	2,056	2,395
1,695	1,667	253	1,482	4,239	5,974	4,307	438
3,484	2,981	2,089	1,373	1,544	5,006	2,025	21,067
3,624	3,830	2,428	14	2,306	4,748	918	9,437
212	168	2,231	0	7,462	9,693	9,525	120
1,730	1,725	233	1,980	440	2,653	928	73
2,987	3,117	2,922	0	1,650	4,572	1,455	12,843
2,074	2,127	1,383	0	3,457	4,840	2,713	151
2,462	2,250	1,209	1,865	1,665	4,739	2,489	4,594
1,526	1,651	149	0	1,958	2,107	456	915
1,462	1,307	582	0	1,785	2,367	1,060	76
188,528	186,060	89,094	111,433	110,397	310,924	124,864	220,204
33,599	33,480	19,812	4,325	18,587	42,724	9,244	25,817
17,081	16,636	3,962	8,584	10,477	23,023	6,387	10,242
239,208	236,176	112,868	124,342	139,461	376,671	140,495	256,263
234,659	239,273	109,946	127,769	123,647	361,362	122,089	263,648

Appendix 7

(see paragraph 5.4)

Trade Unions Maintaining Members' Superannuation Schemes at 31 March 2004

Note: an asterix denotes schemes exempt from the need for actuarial examination (see paragraph 5.5). The TGWU scheme is so exempt but is audited within the union's annual return each year.

Amicus

- AEEU Section

- MSF Section (2 schemes listed below)

 - Sheet Metal Workers Superannuation Fund

 - APAC Members Superannuation Scheme

GMB

Graphical Paper and Media Union (5 schemes listed below)

- Electrotypers' and Stereotypers' Superannuation and Death Benefit Fund*

- Greater London Branch Superannuation Fund

- Litho Printers' Section Superannuation Fund

- Plate Preparers' Section Superannuation Fund*

- Printing Machine Branch Superannuation Fund

National Union of Flint Glass Workers

National Union of Rail Maritime and Transport Workers

Transport and General Workers Union*

Appendix 8

(see paragraph 6.9)

Mergers completed during the period 1 April 2003 to 31 March 2004

Trade Union Transfers of Engagement

<i>Engagements transferred from</i>	<i>To</i>	<i>Transfer registered on</i>
Midlands Area Association of Colliery Officials	National Association of Colliery Overmen, Deputies and Shotfirers	12 August 2003
National Association of Colliery Overmen, Deputies and Shotfirers (Yorkshire Area)	National Association of Colliery Overmen, Deputies and Shotfirers	12 August 2003
Scottish Further and Higher Education Association	Educational Institute of Scotland	3 November 2003

Employers' Association Transfers of Engagement

<i>Engagements transferred from</i>	<i>To</i>	<i>Transfer registered on</i>
Northamptonshire Footwear Manufacturers' Association	British Footwear Association	26 May 2003

Employers' Association Amalgamations

<i>Amalgamating Employers' Associations</i>	<i>Forming</i>	<i>Amalgamation registered on</i>
EEF East Midlands Association and Mid Anglian Engineering Employers' Association	EEF East Midlands & Mid-Anglia Association	30 November 2003

Appendix 9

Political Funds of Trade Unions, 2002-2003

(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	499,690	209,932
Associated Society of Locomotive Engineers and Firemen	15,704	234
Association of University Teachers	39,368	475
Bakers Food and Allied Workers' Union	27,293	0
Broadcasting Entertainment and Theatre Union	24,443	125
Ceramic and Allied Trades Union	9,657	80
Communication Workers Union	219,670	32,477
Connect; The Union for Professionals in Communications	12,623	6,543
Educational Institute for Scotland	50,707	1,409
Fire Brigades Union	42,963	8,525
General Union of Loom Overlookers	234	32
GMB	665,794	38,176
Graphical Paper and Media Union	58,376	56,517
Iron and Steel Trades Confederation	26,157	3,723
Midland Area Association of Colliery Officials	299	1
Musicians Union	30,610	599
National Association of Colliery Deputies and Shotfirers	367	0
National Association of Schoolmasters and the Union of Woman Teachers	170,388	1,013
National Association of Teachers in Further and Higher Education	56,762	2,424
National Union of Domestic Appliances and General Operatives	1,759	3
National Union Knitwear Footwear and Apparel Trades	12,344	127
National Union of Mineworkers	4,215	136
National Union of Mineworkers North Western Cheshire and Cumbria Miners Association	14	0
National Union of Rail Maritime and Transport Workers	62,515	569

POLITICAL FUND (a)

Income £ (3)	Expenditure £ (4)	Fund at Beginning of Year £ (c) (5)	Fund at End of Year £ (6)
2,321,000	2,177,000	1,234,000	1,378,000
77,585	47,432	5,840	35,993
42,220	42,163	67	124
73,094	68,127	39,498	44,465
41,264	39,189	15,752	17,827
76,159	56,076	285,260	305,343
1,246,013	1,122,078	332,541	456,476
40,019	16,422	20,636	44,233
102,249	41,610	802,894	863,533
243,125	179,940	492,090	555,275
448	469	202	181
2,650,000	2,663,000	17,000	4,000
187,916	199,150	214,438	203,204
153,872	165,043	80,389	69,218
920	400	9,521	10,041
43,019	43,761	46,860	46,118
580	703	7,761	7,638
89,076	111,223	27,823	5,676
67,694	69,338	16,192	14,548
1,261	1,225	1,732	1,768
50,850	68,304	86,133	68,679
46,471	103,722	150,200	92,949
32	210	463	285
204,000	137,000	227,000	294,000

Political Funds of Trade Unions, 2002-2003

(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)
Prison Officers Association	28,578	0
Transport and General Workers Union	721,921	21,022
Transport Salaried Staffs Association	29,460	2,885
Union of Construction Allied Trades and Technicians	79,218	22,924
Union of Democratic Mineworkers	2,947	0
Union of Senior Revenue Officials	2,098	68
Union of Shop Distributive and Allied Workers	302,464	18,687
Union of Textile Workers	898	6
UNISON: The Public Services Union	1,239,960	28,820
Total for the 33 unions which have political funds in this year	4,439,496	457,532
Total for the 35 unions with political funds in previous period	4,478,688	585,309

Notes:

- (a) The information in the table is derived from annual returns received during 2003-2004, the majority of which relate to the year ending 31 December 2002.
- (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) These figures may have changed from last year's report due to later information.

Appendix 9

POLITICAL FUND (a)			
Income £ (3)	Expenditure £ (4)	Fund at Beginning of Year £ (c) £ (5)	Fund at End of Year £ (6)
53,499	53,394	4,296	4,401
1,851,000	2,080,000	2,538,000	2,309,000
114,084	79,484	86,172	120,772
113,000	128,000	19,000	4,000
1,638	2,664	7,617	6,591
6,120	0	82,493	88,613
1,165,530	934,089	470,628	702,069
1,446	0	3,212	4,658
4,788,000	3,417,000	2,266,000	3,637,000
15,853,184	14,048,216	9,591,710	11,396,678
16,076,036	20,518,761	14,290,399	9,847,674

Appendix 10

Current statutory fees applicable from 1 April 2004

Fees are calculated to represent the full cost of providing each service.

	Current Fee
Application for entry in the list of trade unions	£139
Application for entry in the list of employers' associations	£139
Application for entry in the list of an amalgamated organisation where each amalgamating organisation is already entered	£54
Application for approval of a change of name	£87
Application for a certificate of independence	£3,891
Application for formal approval of an instrument of transfer of engagements or an instrument of amalgamation	£1,950
Inspection of merger documents	£46

Appendix 11

Certification Office Publications

The following Certification Office publications are available free of charge on request. They are also available to be printed or downloaded on the Certification Officer's website: www.certoffice.org.

1. *Mergers: a guide to the statutory requirements for transfers of engagements and amalgamations of trade unions (2000)*
2. *Mergers: a guide to the statutory requirements for transfers of engagements and amalgamation of employers' associations (2000)*
3. *Guidance for trade unions wishing to apply for a certificate of independence (2000)*
4. *Guidance for trade unions and employers' associations wishing to establish a political fund (2000)*
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 (2000)*
7. *Making a Complaint to the Certification Officer against a Trade Union (2003)*
8. *Annual Reports of the Certification Officer*
9. *The Certification Officer's Publication Scheme (2002)*

