

CERTIFICATION OFFICE
FOR TRADE UNIONS AND EMPLOYERS' ASSOCIATIONS

**Annual Report
of the Certification Officer
2002-2003**

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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 2002 to 31 March 2003.

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

DAVID COCKBURN
Certification Officer
4 June 2003

Contents

	Page
Introduction	1
Chapter	
1	Lists of Trade Unions and Employers' Associations 5
	Entry in the lists and its significance 5
	Removal from the lists 6
	Additions to the lists 6
	The lists at 31 March 2003 7
	Special register bodies 7
	Unlisted organisations 8
	Definition of a trade union 8
	Definition of an employers' association 9
2	Trade Union Independence 10
	The statutory provisions 10
	Criteria 11
	Applications, decisions, reviews and appeals 11
3	Annual Returns and Access to Accounting Records 12
	The statutory provisions 12
	Late submission of returns 14
	Prosecution 14
	Statement to members 15
	Financial affairs of trade unions and employers' associations - use of statutory powers 16
	Public inspection of annual returns 17
	Access to accounting records 17
4	Financial and Membership Information 19
	Returns received in 2002-2003 19
	Trade unions: numbers and membership 19
	: membership register 21
	: finance 21
	: salaries and benefits 21
	Employers' associations 22
5	Superannuation Schemes 23
	The statutory provisions 23
	Schemes maintained 23
	Reports: Period 1 April 2002 to 31 March 2003 24

6	Mergers	25
	The statutory provisions	25
	Guidance	26
	Mergers: Period 1 April 2002 to 31 March 2003	26
	Changes of name	27
7	Political Funds	28
	The statutory provisions	28
	Guidance on procedures	29
	Organisations with ballot rules approved for the first time during 2002-2003	29
	Organisations with mandates for a political fund but political fund rules not yet approved	29
	Organisations with new political fund rules approved for the first time during 2002-2003	29
	Amalgamations of unions already holding a political fund	29
	Political fund resolutions in force	30
	Political funds of trade unions at 31 March 2003	30
	Political fund membership	30
	Exemption notices	30
	Amendments to rules	30
	Political fund complaints	31
8	Secret Postal Ballots for Trade Union Elections	32
	The statutory provisions	32
	Applications, investigations and decisions	33
9	Breach of Trade Union Rule Applications	35
	The statutory provisions	35
	Applications, investigations and decisions	36
Appendices		
1	List of trade unions at 31 March 2003	39
1a	Unlisted trade unions at 31 March 2003	45
2	List of employers' associations at 31 March 2003	46
2a	Unlisted employers' associations at 31 March 2003	49
3	Decisions on trade union independence during 2002-2003	52
4	Summary of statistics - trade unions, returns received during 2002-2003	53
5	Salaries and benefits of trade union General Secretaries, 2001-2002	56
6	Summary of statistics - employers' associations, returns received during 2002-2003	61
7	Trade unions maintaining members' superannuation schemes at 31 March 2003	64
8	Mergers completed in 2002-2003	65
9	Political funds of trade unions, 2001-2002	66
10	Current statutory fees applicable from 1 April 2003	70
11	Certification Office publications	71

Introduction

This is the twenty seventh 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 2002 to 31 March 2003.

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 requiring a trade union to hold secret postal ballots for electing members of its executive committee, president and general secretary;

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 and 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, political funds and the statutory procedures for amalgamations and transfers of engagements in respect of employers’ associations.

In this reporting year the Certification Office website established itself as a very well used source of information and guidance. In the nine months since its launch in July 2002 there have been 10,621 individual visits made to the site. All the Office's publications are available on the site to be downloaded or printed. In addition there is the full list of trade unions and employers' association with links to their websites. A total of 10,031 document downloads were made from the site during the period. Among the more popular sections of the site is the area containing my decisions and a selection of significant decisions made prior to my appointment.

Over the past year a total of 37 decisions were issued, a decrease of 31 over the previous reporting period. The decision which generated the most interest on the website in 2002/03 was that in the case of *Mortimer v Amicus* (D/1/03). This was the first case in which the Certification Officer had needed to consider the meaning of the term "accounting records" in Section 30 of the 1992 Act. I decided that primary or source documents, such as an invoice, a bill or a compromise agreement, would not normally be categorised as accounting records within these provisions if the principle purpose of their creation and retention was to effect or evidence a transaction rather than to be an accounting record (see paragraphs 3.25-3.31).¹

Also during the reporting year the Employment Appeal Tribunal ("the EAT") disposed of three matters which had been appealed to it from the Certification Officer. The appeal of NISA (the News International Staff Association) against the refusal of a Certificate of Independence was dismissed on withdrawal. The EAT also dismissed an appeal in the case of *Clarke v NUM* (D/43/01). In *Carrigan v ASLEF* (D/21-35/01) the EAT allowed Mr Carrigan's appeal on one point and remitted the case to me for consideration of whether an enforcement order should be made.

On 30 July 2002 my Office received a letter from the Office of the Parliamentary Commissioner for Administration (The Parliamentary Ombudsman) regarding a complaint they had received concerning a financial investigation I had undertaken. The Ombudsman's letter indicated that the investigation "*...had considered and weighed the information, evidence and comments that had been submitted by the parties in an impartial and objective manner. That being the case...*", the letter concluded "*...the enquiry was properly conducted...*" within the Certification Officer's jurisdiction and powers under the 1992 Act. I was informed that there was no basis to justify the Ombudsman's intervention.

I considered whether to exercise my powers to appoint an inspector to investigate the financial affairs of a union on one occasion but did not consider that it would be appropriate to do so in this case. During the period under review the Anchor Group Staff Association was prosecuted for failure to submit an annual return. The union was fined £1,500, its relevant official was fined a further £1,000 and the union was ordered to pay costs of over £2,000.

During the past year comment was made both by the Better Regulation Task Force and some trade unions on my lack of powers relating to the disposal of weak or vexatious cases. The Department of Trade and Industry have included this issue in the consultation document it published in February 2003 arising out of its review of the Employment Relations Act 1999. During the last year work also commenced on reviewing the *Guide to Political Fund Review*

¹ I gave further consideration to this issue in *Foster v Musician's Union*, decided in May 2003.

Ballots, including the Model Rules contained within the Guide and on reviewing the format of the *Registration of Complaint* form.

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 the exercise of my functions independently both of ACAS and the Secretary of State. My Office continued to receive professional advice on superannuation matters from the Government Actuary's Department.

Gerard Walker was appointed as Assistant Certification Officer in April 2003. Mr J L J Craig, WS, continued to hold his appointment as Assistant Certification Officer for Scotland. Mr Whybrew continues as an Assistant Certification Officer to determine those complaints in which it is appropriate that I recuse myself. In the past year Mr Whybrew decided two cases. On 31 March 2003 there were eleven staff in post in the Certification Office.

Accounts relating to the activities of the Certification Office, prepared under section 258 of the 1992 Act, are published separately by order of the House of Commons. In broad terms it is estimated that about 57% 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, 4% to work arising from trade union mergers, 37 % to work relating to complaints and trade union finances, and the remainder to other matters including independence and political funds.

The statutory fees to be paid for certain items of work undertaken by the Office are reviewed periodically and any increase normally becomes effective from 1 April. During the period ending 31 March 2003 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 2002 was £687,882. My salary as Certification Officer at 31 March 2003 was £58,409 for a three day week. This sum is pensionable at an additional cost to the public purse of £10,806 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 £1223. 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 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 2003 and the changes that have occurred during the previous twelve months. The lists are set out in full in Appendices 1 and 2.

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. (See Appendix 10 for the statutory fee). Its name shall be entered in the relevant list if the Certification Officer is satisfied that the organisation falls within the appropriate definition in the 1992 Act (see paragraphs 1.16 and 1.17). Entry in the list is usually a simple process and means no more than that the body 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, 58 Frederick Street, Edinburgh EH2 1LN. 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, after having given the organisation concerned the opportunity to make representations and after the Certification Officer has considered any representations that were made. 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 1 April 2002-31 March 2003. 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. The Yorkshire Association of Club Stewards applied to be listed during the reporting period but subsequently ceased to exist, in the same year.

Trade Unions; England and Wales

CGNU Staff Association*
Engineering Craft and Technicians Association
Girobank Senior Managers Staff Association*
Organisation of CPL Technicians
Union of Textile Workers*
WISA - The Union for Woolwich Staff*
Yorkshire Association of Club Stewards

Employers' Associations; England and Wales

British Metals Federation
EEF Lancashire*
Greater London Employers Association Ltd

Employers' Associations; Scotland

Glasgow and District Retail Fleshers' 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 2002-31 March 2003. All were newly created organisations or organisations that the Certification Officer decided, during this

period, met the statutory definition of a trade union or an employers' association, or unlisted organisations that joined the lists during this period.

Trade Unions; England and Wales

Associated Chiropodists and Podiatrists Union

General Practitioners' Union

Union of Federation of Employed Door Supervisors and Security

Welsh Rugby Players' Association

Yorkshire Association of Club Stewards

Employers' Associations; England and Wales

Association of London Government

The lists at 31 March 2003

- 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 2003. They are reproduced as Appendices 1 and 2. The lists at 31 March 2003 comprised 197 trade unions and 91 employers' associations.

Changes during the year are summarised in the table below:

	<i>On lists at 31 March 2002</i>	<i>Changes between 1 April 2002 and 31 March 2003</i>		<i>On lists at 31 March 2003</i>
		<i>Additions</i>	<i>Removals</i>	
Trade Unions	199	5	7	197
Employers' Associations	94	1	4	91

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 for trade unions no longer being allowed to have corporate status. However, the legislation 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 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

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 numbers of listed organisations given in paragraph 1.9, there were 19 trade unions and 87 employers' associations which submitted annual returns in the reporting year but which had not sought to be listed. There may be others which meet the statutory definition of a trade union or employers' association of which the Office is unaware. Being unlisted does not exempt an organisation from its statutory responsibilities and returns from unlisted bodies are available for inspection along with those of listed organisations. Those trade unions and employers' associations known to the Office but which have not applied to be included in the relevant lists are given at Appendices 1a and 2a respectively. They are referred to as "unlisted" organisations.
- 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. The Certification Officer must take into account any relevant information submitted by third parties and is required to give reasons if he refuses a certificate of independence. 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* under the following 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 One application for a certificate of independence was determined during this operational year. The application was from Prospect (formed from the merger of the Institution of Professional Managers and Specialists and the Engineers and Managers Association). A certificate of independence was granted on 23 July 2002. There were no formal reviews of the status of existing certificates during the reporting period. However the Certification Officer began consideration of information received concerning the independence of two unions.
- 2.8 As reported last year, NISA (the News International Staff Association) had lodged an appeal at the Employment Appeals Tribunal (EAT) against the Certification Officer's decision of 18 May 2001 to refuse its application for a certificate. At a directions hearing in March 2002 the EAT decided that it would hear evidence of events that occurred after the Certification Officer's decision and decide the issue of independence afresh. The appeal hearing was scheduled to take place in this reporting year but the appeal was withdrawn prior to the hearing.
- 2.9 Four certificates of independence were cancelled because the unions concerned had ceased to exist. Three of these were 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 Office. 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. 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 A trade union (other than a special register body as described in Chapter 1 of this Report, paras 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.
- 3.8 The auditor must state whether, in his or her opinion, the accounts give a true and fair view of the matters to which they relate. The auditor has a duty to carry out such investigations as will enable an opinion to be formed on whether proper accounting records have been kept, whether a satisfactory system of control has been maintained and whether the accounts are in agreement with the accounting records. If in the opinion of the auditor the statutory requirements have not been satisfied or the union or employers' association has failed to supply all the necessary information and explanations the auditor must say so in the report, by way of qualification.
- 3.9 In the year to 31 March 2003, 5 (1.3%) 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. There is a category of audit qualification which relates to returns not complying with the statement of standard accounting practice which requires pension costs to be accounted for on an accruals basis. There were two returns qualified on this basis. However, as full details showing what effect compliance would have had on the accounts were given in the notes to those accounts and as these qualifications had been fully reviewed by the Office in previous years, the Certification Officer took no further action in respect of these returns.

- 3.10 Two annual returns received during this period did not have auditors' reports. The organisations concerned are both small organisations whose accounts were not required to be professionally audited. They have been reminded of their statutory obligations in relation to the annual returns provided to the Certification Officer and the Certification Officer is taking steps to ensure that these are met.
- 3.11 To avoid the duplication of broadly similar financial statements, a special register body (see Chapter 1 of this report, paras 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.
- 3.12 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 3.18 below).

Late submission of returns

- 3.13 The 1992 Act requires an organisation to submit an annual return to the Certification Officer before 1st June in the calendar year following that 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 the reporting period around 12% of returns were submitted more than three months after their due date. However by 31 March 2003, 98.5% of all due returns had been received. The annual returns for the following trade unions were still outstanding by more than three months at 31 March 2003.

Anchor Group Staff Association
Jones and Shipman Administrative Staff Association
Lawson Mardon Star 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 who consistently submit late annual returns. The returns received from trade unions covered 99.9% of all trade union members.

Prosecution

- 3.14 During 2002-03, the Anchor Group Staff Association was prosecuted for failing to submit an annual return of its financial affairs as required by section 32 of the 1992

Act. The prosecution related to the annual return for the year ending 31 March 1999. The case was heard on 17 October 2002. The union was found guilty of the offence and it was fined £1,500. The Partnership Officer of that union was also found guilty and fined £1,000. Costs of over £2,000 were awarded against the union.

Statement to members

3.15 A statement containing specific information must be issued to all members within eight weeks of the submission of the annual return to the Certification Officer. The statement must specify:

- (i) the total income and expenditure of the union;
- (ii) how much of the income consisted of payments in respect of membership;
- (iii) the total income and expenditure of any political fund of the union, and
- (iv) the salary and other benefits paid to each member of the executive, the president and the general secretary.

The statement must also give the name and address of the auditor, set out in full the auditor's report and should not contain anything which is inconsistent with the contents of the annual return. Members must also be told how they can complain should they be concerned that some irregularity is occurring or has occurred in the financial affairs of the trade union. The 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.”

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

- 3.17 Trade unions have in the main readily complied with the requirement to provide members with a statement which contained the required information and met the statutory timescale. The Certification Officer will endeavour to ensure that full compliance with the Act is maintained.

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

- 3.18 The 1992 Act (as amended) allows the Certification Officer to investigate the financial affairs of almost all trade unions and employers' associations. 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.

- 3.19 Information suggesting circumstances where one or more of the situations described in paragraph 3.18 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.

- 3.20 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.

- 3.21 In the period 1 April 2002 to 31 March 2003 concerns were raised about particular aspects of the conduct of the financial affairs of one trade union, the Immigration Service Union (ISU). These were taken up with the ISU and concluded on 27 September 2002. The Certification Officer did not consider it appropriate to appoint inspectors. In addition, the enquiry outstanding at the end of the last reporting year concerning the Musicians' Union was concluded. The Certification Officer again concluded that it would not be appropriate to appoint inspectors. As at the 31 March 2003 there were no enquiries outstanding.

- 3.22 During this reporting period the Certification Officer did not use his powers under section 37A of the 1992 Act to require documents to be produced by any individual or trade union.
- 3.23 Where the Certification Officer concludes his enquiries into a financial investigation, he may 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.

Public inspection of annual returns

- 3.24 Copies of the annual returns and the rules of trade unions and employers' associations from 1974 onwards are available for public inspection 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 Act 1871 - 1964
 - (b) the Industrial Relations Act 1971, and
 - (c) the Trade Union and Labour Relations Act 1974.

Access to Accounting Records

- 3.25 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.
- 3.26 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.
- 3.27 If the Certification Officer is satisfied that the claim is well founded he is required to make an 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.

- 3.28 An order made by the Certification Officer under this section may be enforced in the same way as an order of the court.
- 3.29 In the period 1 April 2002 to 31 March 2003 the Certification Officer received two such applications, against the Musicians' Union (MU) and the Transport and General Workers Union (TGWU). In addition a further case against Amicus, outstanding from the previous report, was determined (**Mortimer v Amicus (D/1/03)**). The application against the TGWU was withdrawn, without the Certification Officer having to make a formal determination in the matter, upon the union providing certain information to the applicant. The application against the Musicians' Union remains outstanding on 31 March 2003.
- 3.30 **Mortimer v Amicus (D/1/03)** was decided on 14 February 2003. It was the first decision of the Certification Officer in which consideration had to be given to the meaning of "accounting records" within section 30 of the 1992 Act. The Certification Officer, in finding the complaint well founded, ordered the union to give the applicant access to inspect those records of the union which related to a termination payment made to a named individual.
- 3.31 A copy of the decision in **Mortimer v Amicus**, and 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 2002-2003. It also covers the jurisdiction of the Certification Officer to determine complaints about the maintenance of trade unions' membership registers.

Returns received in 2002-2003

- 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 annual accounting periods which ended between October 2001 and September 2002. The majority (77%) of returns are for unions or employers' associations with accounting periods ending 31 December 2001.
- 4.2 The total of 398 organisations which submitted returns for this period was made up as follows:
- | | |
|-----|----------------------------------|
| 196 | Listed trade unions |
| 20 | Unlisted trade unions |
| 91 | Listed employers' associations |
| 91 | Unlisted employers' associations |

There is one organisation not required to submit an annual return and which does not do so. This is the Council of Civil Service Unions (Chapter 3 para 3.3 explains).

Trade unions: numbers and membership

- 4.3 A summary of statistics concerning the membership and finances of trade unions received during 2002-2003 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 216 unions compared with returns from 226 recorded in the Annual Report 2001-2002. 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 both trade unions and employers' associations.
- 4.5 The trade unions from which returns were received had a total membership of 7,750,990. The major unions with a membership of over 100,000 accounted for 6,400,225 members or 83% of the total. Returns in the period show that trade union membership distribution by size is as follows:

Trade unions: distribution by size

			<i>Number of Unions</i>		<i>Membership of all Unions</i>	
<i>Number of Members</i>	<i>Number of Unions (1)</i>	<i>Membership (2)</i>	<i>Per cent (3)</i>	<i>Cumulative Per cent (4)</i>	<i>Per cent (5)</i>	<i>Cumulative Per cent (6)</i>
Under 100	41	1,248	19.0	19.0	0.0	0.0
100-499	40	11,793	18.5	37.5	0.2	0.2
500-999	25	18,104	11.6	49.1	0.2	0.4
1,000-2,499	22	39,851	10.2	59.3	0.5	0.9
2,500-4,999	25	91,682	11.6	70.8	1.2	2.1
5,000-9,999	9	66,292	4.2	75.0	0.9	3.0
10,000-14,999	6	68,638	2.8	77.8	0.9	3.8
15,000-24,999	13	253,428	6.0	83.8	3.3	7.1
25,000-49,999	14	490,852	6.5	90.3	6.3	13.4
50,000-99,999	5	309,147	2.3	92.6	4.0	17.4
100,000-249,999	5	744,352	2.3	94.9	9.6	27.0
250,000 and over	11	5,655,873	5.1	100	73.0	100
Total	216	7,750,990	100		100	

4.6 The returns show that the total trade union membership figure stayed very similar to the 7,779,393 reported for the previous year. There was a marginal decrease of 28,403 members - less than 0.4%. The total membership of about 7.8 million compares with 8.7 million in 1993 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. With effect from 1 January 2002 the Manufacturing Science and Finance Union amalgamated with the Amalgamated Engineering and Electrical Union to form Amicus. The figures set out below represent the position in the year to 31 December 2001

Trade Union: Changes in Membership

	<i>Total Membership (000's)</i>		
	<i>2000-2001</i>	<i>2001-2002</i>	<i>% changes</i>
<i>Increases</i>			
National Union of Teachers	286	314	+9.8%
Public and Commercial Services Union	261	281	+5.2%
<i>Decreases</i>			
Graphical Paper and Media Union	200	170	-15.0%
Manufacturing Science and Finance Union	350	332	-5.1%

- 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 11% less than the figure for total membership.

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 2002 to 31 March 2003 the Certification Officer received one application concerning the maintenance of the register of members' names and addresses. The application, against Amicus, remained outstanding at 31 March 2003. 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 £825.6 million, an increase of 5.1% on that reported in the 2001-2002 report. Income from members rose by 4.5% to £659.4 million while investment income fell by 12.3% and other income rose by 15.3%.
- 4.13 Gross expenditure by unions during this reporting period rose by 7.5% to £811.7 million, while at the end of the reporting period total funds (net assets) amounted to £912.1 million, an increase of 2.2% over the previous period.

Salaries and benefits

- 4.14 Trade unions are required to include in their annual returns to the Certification Officer information about the salaries and benefits paid to certain of their national officers and executive members from the organisation's funds. For the purpose of the annual return, benefits are defined as being a) those designated as taxable

benefits by the Inland Revenue; b) pension/superannuation arrangements and c) redundancy and other termination payments. 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; 16% paid between £20,000 and £40,000; 13% paid up to £20,000, while the general secretaries of the remaining 38% did not receive a salary. Four unions (2%), 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 34 associations (including unlisted associations) with total income of more than £2,000,000. For comparative purposes, the statistics relating to 7 engineering employers organisations, whose individual incomes are below £2,000,000, are combined in the table.
- 4.17 The statistics in Appendix 6 are based on returns from 182 employers' associations compared with returns from 188 in the report for 2001-2002.
- 4.18 From the returns received in this period, the figures show the gross income of employers' associations was £276 million compared with £280 million reported in 2001-2002, a decrease of 1.4%. Income from members fell from £106.3 million to £104.7 million. Income from investments fell from £26.7 million to £14.4 million. Other income rose from £147.1 million to £156.9 million. During the same period, gross expenditure increased from £268 million to £271.3 million, an increase of 1.3%.
- 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 total funds (net assets) of employers' associations amounted to £236.2 million a decrease of £1.7 million (0.7%) over the figure reported in the previous period.
- 4.20 Employers' associations are not required 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 required 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 statutory provisions require 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.

Schemes maintained

- 5.3 At the end of the period of this report there were 12 members' superannuation schemes maintained by 6 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. During the reporting period, the National Union of Knitwear Footwear and Apparel Trades (KFAT) wound up its superannuation fund.

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

- 5.4 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.

Reports: Period 1 April 2002 to 31 March 2003

- 5.5 Three reports, two from the Graphical Paper and Media Union (GPMU) and one from the National Union of Rail Maritime and Transport Workers (RMT), were received during this period and were submitted to the Government Actuaries Department for comment. The report on the RMT Orphan Fund, had been due by 31 December 2001 but was only received on 5 March 2003. A report on one of the funds maintained by Amicus was due by 31 December 2002 but remains outstanding. The Office has been in contact with Amicus about the report.
- 5.6 All reports received are sent to the Government Actuaries Department for their specialist comment. The views of the Government Actuaries Department are passed on to the union.

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 2002 to 31 March 2003. 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 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 have his approval before a ballot of members can be held to approve the instrument. (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 required majority of votes recorded in each ballot is in favour of the merger 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.
- 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 booklets, one on the statutory requirements for transfers of engagements and amalgamations between trade unions and the other for employers' associations. These explain the merger procedures in detail and set out, with explanatory notes, the matters to be included in an instrument of transfer or amalgamation. Copies may be obtained free of charge from the Office and are available 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 2002 to 31 March 2003

- 6.9 During the above period four transfer of engagements from one union to another and one from one employers' association to another took place, using the procedures laid down by the Act. Details are given in Appendix 8.
- 6.10 The four mergers of unions which took place during the period 1 April 2002 to 31 March 2003 involved a total of 8,505 members. The largest merger was that between the CGNU Staff Association and Amicus, involving 3,025 members. The

transfer took effect on 9 January 2003. At the end of the period three transfers of engagements of trade unions and one of employers' associations were in progress.

- 6.11 During the period 1 April 2002 to 31 March 2003 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 statutory fee.) During the period 1 April 2002 to 31 March 2003 approval was given to the changes of name of three listed trade unions as shown below.

Trade Unions		Effective Date
<i>From</i>	Independent Union of Halifax Staff	
<i>To</i>	Accord	3 May 2002
<i>From</i>	Guinness UDV Staff Association	
<i>To</i>	Diageo Staff Association	9 July 2002
<i>From</i>	Association of Her Majesty's Inspectors of Taxes	
<i>To</i>	Union of Senior Revenue Officials	11 October 2002

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 2002 to 31 March 2003.

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 what portion, if any, of his or her contribution is a contribution to the political fund.

Complaints

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

- 7.5 A member can complain to the Certification Officer if a political fund ballot has been held, or is proposed to be held, in a way that does not comply with the rules for holding the ballot. Any complaint must be made within the period of one year beginning with the 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 he thinks 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. Guidance booklets which include model rules are available from the Office free of charge and are 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 ballot rules approved for the first time during 2002-2003

- 7.9 Rules for a ballot on establishing a political fund were approved for Prospect and the ballot was in progress at the end of the reporting period.

Organisations with mandates for a political fund but political fund rules not yet approved

- 7.10 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 incorporated. Draft political fund rules were received from the union but an application for formal approval of the political fund rules was not 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 2002-2003

- 7.11 No trade union had political fund rules approved for the first time during the period.

Amalgamations of unions already holding a political fund

- 7.12 Where two or more trade unions, each with a political fund in force, amalgamate, the amalgamated union will be treated under the provisions of section 93 of the 1992 Act as having passed a political fund resolution, provided that the rules of the union in force immediately after the amalgamation include political fund rules. The

review ballot cycle (see paragraph 7.7) of such a newly constituted union will count from the earliest of the political fund review dates of the amalgamating unions involved. During the reporting period there were no such amalgamations registered.

Political fund resolutions in force

- 7.13 The number of political fund resolutions in force at 31 March 2003 was 32; one less than that reported last year, as the Union of Textile Workers ceased to exist on transferring its engagements to Amicus. The listed trade unions with a political fund are identified with an asterisk in Appendix 1 and the unlisted trade unions with a political fund are similarly identified in Appendix 1a. During the period one union held a review ballot as required by section 73(3) and (4) of the Act. The union concerned was Connect. Of the 18,795 members eligible, 7,100 (37.8%) voted in the ballot and of those 81% were in favour of retaining the political fund. Ballot rules were approved for a review ballot due to be held by Amicus before 29 June 2003.

Political funds of trade unions at 31 March 2003

- 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 2001. The latest available information is given in Appendix 9 which is derived from returns made by trade unions maintaining political funds during this period.
- 7.15 Annual returns received during the period 1 April 2002 to 31 March 2003 show total income of political funds as £16.1 million compared with £16 million reported in the 2001-2002 Report and expenditure of £20.5 million as compared with £16.4 million in the preceding year. Total funds were shown as £9.9 million in the returns received during the reporting period, down by £4.4 million or 31.1% on the £14.3 million contained in the 2001-2002 Report.

Political fund membership

- 7.16 Appendix 9 also gives membership information provided by the unions which maintained political funds as indicated from the latest annual returns. These returns showed that the number of union members contributing to a political fund was 4,478,688 compared with 4,419,165 in the 2001-2002 Report, an increase of 1.3%.

Exemption notices

- 7.17 Exemption notices (see paragraph 7.3) are obtainable from the organisation concerned or from the Certification Office. The Office supplied four such notices during the period 1 April 2002 to 31 March 2003.

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 2002 to 31 March

2003, the Associated Society of Locomotive Engineers and Firemen (ASLEF) and the Union of Shop, Distributive and Allied Workers (USDAW).

- 7.19 Unions have been told that the Certification Officer is unwilling to give approval to any amendments to political fund rules unless they already contain the current political objects, as provided in section 72(1) of the 1992 Act, or the proposed amendments have that effect. Unions will also be required to amend their political fund rules to replace any out of date references to the 1913 Act with the equivalent provisions in the 1992 Act. These changes are designed to ensure that members have ready access to the rules currently governing the use of political funds.

Political fund complaints

- 7.20 During the period 1 April 2002 to 31 March 2003 the Certification Officer received no complaints relating to political funds of trade unions. The complaint outstanding at the end of the Certification Officer's previous report was concluded on 12 July 2002 when the Certification Officer issued his decision (**Armstrong v Amicus (CO/1913/20)**) following the withdrawal of the complaint. 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.

Secret Postal Ballots for Trade Union Elections

The 1992 Act requires that certain officers and all members of a trade union's executive committee must be elected to it by secret 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, president or general secretary without having been elected to it. Nor may anyone remain in such a position for more than five years without having been re-elected to it. There are exceptions in respect of amalgamations, newly formed unions, special register bodies and officers facing retirement. Elections are required to be by secret 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, or a candidate 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 hold 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 ensuring 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 by which the identity of an individual who proposes to make an application or complaint will not generally be disclosed to the union, unless or until an 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 he decides 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 Office, 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.
- 8.9 If the Certification Officer decides that there has been a breach of the statutory provisions he must state in his declaration 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, investigations and decisions

- 8.11 In the period 1 April 2002 to 31 March 2003 the Certification Officer received five applications relating to trade union elections, one of which was subsequently

withdrawn by the applicant. In addition five applications outstanding at 31 March 2002 were determined by the Certification Officer. As at 31 March 2003 four applications, against three trade unions remain outstanding.

8.12 Seven decisions and two enforcement orders were issued by the Certification Officer in the period 1 April 2002 to 31 March 2003.

- **Ecclestone v NUJ (D/19-20/02).** Application made by a member of the National Union of Journalists (NUJ) that the union had breached the 1992 Act by not allowing members to vote without interference from or constraint imposed by the union in the election of the union's General Secretary. The Certification Officer refused the declaration sought.
- **Adams v POA (D/21-22/02).** In an application made by a member of the Prison Officers Association (POA) it was alleged that the applicant had been unreasonably excluded from standing as a candidate in the election for the position of National Chair. The Certification Officer made the declaration sought and issued an enforcement order. He ordered that a further election be held for the position of National Chair in accordance with the requirements of the 1992 Act, the result of that election to be declared no later than 9 August 2002.
- **Taylor v MU (D/26-28/02).** In an application by a member of the Musicians' Union the Certification Officer refused to make the declaration sought that the union had breached section 48(6) of the 1992 Act relating to the modification of a candidate's election address.
- **Hill v BFAWU (D/31/02).** In an application by a member of the Bakers Food and Allied Workers Union the Certification Officer issued a declaration that the union had breached section 46(1) of the 1992 Act by failing to secure that its General Secretary held his position by virtue of having been elected at an election satisfying the requirements of the 1992 Act. The union conceded that it had not held such an election since the relevant legislation had come into effect in 1985 but gave evidence that an election had been held by the date of the hearing. The Certification Officer issued an enforcement order requiring the union to treat that election as having effect on 9 August 2002 and the General Secretary's term of office as having commenced on that date, rather than the 1 January 2003 as the union had previously intended.
- **Beaumont v Amicus (D/3-8/03).** The applicant made three complaints that the union had breached section 48(6) of the 1992 Act relating to the use by a candidate in an election to the union's National Executive Committee of a web-site address in her election address. The Certification Officer refused to make the declarations sought in each of the three complaints.

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.

Applications, investigations and decisions

- 9.8 The Certification Officer issued twenty-eight decisions and one enforcement order during the period 1 April 2002 to 31 March 2003. At 31 March 2003, five applications against individual trade unions remain outstanding.
- 9.9 Of the twenty-eight decisions issued in the year the following are noteworthy.
 - **Graham v MSF (D/17-18/02).** In this case a member of the Community Practitioner' and Health Visitors Association Section of the Manufacturing Science and Finance Union (MSF) complained that the union had breached its rules relating to the refusal by the Association of a written demand for a Special General Meeting and in respect of the actions of the Association's Standing Orders Committee. The Certification Officer refused to make the declarations sought in respect of both complaints.
 - **Ecclestone v NUJ (D/19-20/02).** The Certification Officer refused to make the declaration sought that the National Union of Journalists had breached its rules by permitting a candidate to stand for the position of General Secretary knowing him to be more than three months in arrears of contributions.
 - **Adams v POA (D/21-22/02).** The Certification Officer declared that the Prison Officers Association had breached its rules by deciding that the applicant was ineligible to stand for election as the National Chair. No enforcement order was made in respect of this breach of rule (but see paragraph 8.12 of this report in respect of the same union).
 - **Saunders v MU (D/23/02).** In a complaint made by a member of the Musicians' Union, the Certification Officer declared that the union had breached its rules by failing to circulate to branches the Executive Committee proposals to alter the rules

of the union before a ballot vote of the membership on the proposals. In issuing an enforcement order the Certification Officer ordered the union to treat as void and ineffective the alterations of rule approved by the ballot vote of the membership and that the rules that prevailed prior to that purported alteration should prevail until the rules of the union are altered in accordance with the rules of the union.

- **Taylor v MU (D/26-28/02).** The Certification Officer refused to make two declarations sought that the Musicians' Union had breached its rules by (a) not providing to the applicant a copy of his opponents election address before the amended address was circulated with the ballot papers and by (b) not processing the applicants disciplinary complaint against his opponent in accordance with the rules.
- **Johnson and Daly v MU (D/29-30/02).** In complaints made by two members of the Musicians' Union the Certification Officer refused to make the declarations sought that the union had breached its rules by failing to process the applicant's complaints against members of the union's Executive Committee.
- **Downing v TGWU (D/32-33/02).** The Assistant Certification Officer refused to make the declarations sought by the applicant that the Transport and General Workers Union had breached its rules in respect of the members' right to stand for a branch position and in respect of the balloting process in a branch election.
- **Murphy v GMB (D/34-41/02).** The applicant made a series of eight complaints relating to matters within the Lancashire region of the GMB. The Certification Officer upheld a complaint that the union had breached its rules in respect of the conduct of the election to the Regional Council in 2001, but refused to make any of the other declarations sought. The Certification Officer decided that it was not appropriate to make an enforcement order having regard to the nature of the breach and its impact on the result of the election.
- **Beaumont v Amicus (D/3-8/03).** The applicant made three complaints that the union had breached its rules relating to canvassing at the time of an election. The Certification Officer made the declarations sought in two of the complaints made, but did not consider that it was appropriate to issue any enforcement orders.
- **Kay v Musicians' Union (D/9-11/03).** The applicant made three complaints. Two related to elections within the union, and the third related to the union's disciplinary proceedings. The Certification Officer refused to make any of the three declarations sought. The applicant did not appear at the hearing.

9.10 The two appeals to the Employment Appeal Tribunal (EAT) outstanding at the end of the previous report (see para 9.11 of the 2001-2002 Annual Report) were heard by the EAT during the reporting year. The appeal by Mr Clarke against the decision of the Certification Officer in **Clarke v National Union of Mineworkers (D/43/01)** was heard and dismissed by the EAT on 24 May 2002 (**EAT/0598/01**). The appeal by Mr Callaghan and Mr Carrigan against the Certification Officer's

decision in their complaints against the Associated Society of Locomotive Engineers and Firemen - (**Callaghan & others v ASLEF (D/21-35/01)**) (see para 9.11 of the 2001 - 2002 Annual Report) was heard on 20 January 2003 and the EAT decision was received by the Certification Officer on 28 February 2003. The EAT upheld Mr Carrigan's appeal and found that the union had breached its rules in the conduct of his disciplinary hearing. The appeal by Mr Callaghan was withdrawn (**Callaghan and Carrigan v ASLEF (EAT/564/01/RN)**). The EAT remitted the matter to the Certification Officer for his consideration of whether or not it is appropriate to make an enforcement order.

9.11 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.

9.12 In the period 1 April 2002 to 31 March 2003, a total of 386 enquiries were received.

General advice on the role of the Certification Officer	53
Appointment, election or dismissal from any office in the union	32
Disciplinary proceedings within the union	37
Balloting of union members (other than industrial action)	36
Constitution or proceedings of a unions executive committee or certain other bodies	28
Inadequate representation of members by their union	95
Union benefits or membership issues	16
Others	89
Total	386

This is an increase of 106 enquiries on the corresponding period in 2001-2002 (see para 9.13 of the 2001-2002 Annual Report).

9.13 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 2003

Notes:

Italics denotes a trade union first entered in the list during 1 April 2002 to 31 March 2003.

* Denotes a trade union holding a certificate of independence at 31 March 2003.

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 2003.

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

England and Wales

*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
 *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 Building Society Staff Association
 #Dexion Staff Association
 *Diageo Staff Association
 *Diplomatic Service Association
 *Directors Guild of Great Britain

 *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 Artistes Federation)
 Expression Union

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

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- *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
- 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)

#Jones and Shipman Administrative Staff Association

- *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

- *Midland Area Association of Colliery Officials (P)
- *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 Colliery Overmen Deputies and Shotfirers (Yorkshire 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 for Professional Interpreters and Translators
 *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. 2)
 *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
 *Public and Commercial Services Union
 Public Transport (Staff) Consortium

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◇ 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
Securicor Guarding Staff Association
Sheffield Wool Shear Workers Trade Union
*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 Dexion Workers
Union of Federation of Employed Door Supervisors and Security
*Union of Finance Staff
*Union of Senior Revenue Officials (P)
*Union of Shop Distributive and Allied Workers (P)
*UNISON - The Public Service Union (P)
*United Road Transport Union

Volunteers and Private Sectors Workers Union

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 Carpet Workers Union

*Scottish Further and Higher Education Association

*Scottish Secondary Teachers Association

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

Appendix 1a

(see paragraph 1.14)

Unlisted Trade Unions at 31 March 2003

Notes:

‡A branch of an independent American trade union.

(P) Denotes a trade union with a political fund resolution in force at 31 March 2003.

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)

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 2003

Notes:

Italics denotes an employers' association first included in the list during 1 April 2002 to 31 March 2003.

England and Wales

Advertising Producers Association
Anglian Marine Industries 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 Midland Advertising Agencies
Association of Newspaper and Magazine Wholesalers
Association of Northern Advertising Agencies
Association of Scottish Advertising Agencies

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 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 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
Mid-Anglian Engineering Employers Association

National Association of Farriers Blacksmiths and Agricultural Engineers
National Association of Master Bakers
National Association of Plumbing Heating and Mechanical Services Contractors
National Association of Self Employed of Great Britain and Northern Ireland
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

Wire and Wire Rope Employers Association

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

Appendix 2a

(see paragraph 1.14)

Unlisted Employers' Associations at 31 March 2003

Notes:

Italics denotes an employers' association first included in this appendix during 1 April 2002 to 31 March 2003.

England and Wales

Association of Colleges

Association of Post Production Companies

B F M Limited

British Ceramic Confederation

British Cutlery and Silverware Manufacturers Association

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

Heywood and District Cotton Employers Association Limited

Incorporated Guild of Hairdressers Wigmakers and Perfumers

Industrial Leathers Federation

Kaolin and Ball Clay Association (UK)

Kidderminster District Carpet Manufacturers and Spinners Association

Knitting Industries Federation Limited

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
Northamptonshire Footwear Manufacturers Association
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”
South Western Roadstone Employers Federation

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
Banff and Moray Master Plumbers Association
Brewers and Licensed Retailers Association of Scotland

Notes:

Italics denotes an employers’ association first included in this appendix during 1 April 2002 to 31 March 2003.

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 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)

Decisions on Trade Union Independence during the period 1 April 2002 to 31 March 2003

Certificates of independence issued

Prospect

Certificates of independence refused

None

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

CGNU Staff Association

Union of Textile Workers

WISA - the Union for Woolwich Staff

Certificates cancelled because the union was dissolved

Engineering Craft and Technicians Association

Appendix 4

Summary of Statistics - Trade Unions, returns recieved during the period 1 April 2002 - 31 March 2003

The annual returns completed by trade unions for the Certification Office 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 2001, the table includes returns from trade unions with year ending dates ranging from October 2001 to September 2002 and therefore due in this Office between 1 April 2002 and 31 March 2003.*

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.
- (f) The Amalgamated Engineering and Electrical Union and the Manufacturing Science and Finance Union amalgamated to form Amicus, with effect from 1 January 2002. These figures represent the position of the respective unions in the year to 31 December 2001.

Summary of Statistics - Trade Unions, 2001-2002

(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	1,272,700	116,720	2,498	2,346	121,564
Transport and General Workers Union	848,809	70,367	1,306	114	71,787
Amalgamated Engineering and Electrical Union (f)	728,508	38,680	3,378	2,673	44,731
GMB	689,276	43,653	929	3,073	47,655
Royal College of Nursing of the United Kingdom	344,192	17,482	0	328	17,810
Manufacturing Science and Finance Union (f)	332,691	26,695	204	304	27,203
National Union of Teachers	314,174	19,007	1,012	1,053	21,072
Union of Shop Distributive and Allied Workers	310,337	20,095	1,288	1,782	23,164
Public and Commercial Services Union	281,923	21,830	4,826	2,095	28,751
Communication Workers Union	279,679	27,827	436	265	28,529
National Association of Schoolmasters and Union of Women Teachers	253,584	15,230	589	2,230	18,049
Association of Teachers and Lecturers	186,774	10,360	571	192	11,123
Graphical Paper and Media Union	170,279	15,377	2,540	5,743	23,660
UNIFI	154,434	10,018	1,017	131	11,165
Union of Construction Allied Trades and Technicians	119,993	5,055	122	49	5,226
British Medical Association	112,872	25,063	2,104	43,938	71,105
Total for above unions with 100,000 members or more	6,400,225	483,458	22,820	66,316	572,594
Total for 180 other listed unions with less than 100,000 members	1,339,443	139,452	11,979	51,347	202,777
Total for listed unions	7,739,668	622,910	34,799	117,662	775,372
Trades Union Congress	-	11,691	2,085	5,766	19,541
Total for 19 other unlisted unions which have submitted returns	11,273	24,829	1,712	4,094	30,636
Total for all unions 2001-2002	7,750,990	659,430	38,596	127,522	825,548
Total for all unions 2000-2001 (d)	7,781,077	631,150	44,022	110,636	785,807

Notes - see previous page

Appendix 4

GROSS EXPENDITURE	TOTAL FUNDS		GROSS ASSETS				Total Liabilities
Total Expenditure (c)	Beginning of the Year (d)	End of the Year	Fixed Assets	Investments (e)	Other Assets	Total Assets	
£000s	£000s	£000s	£000s	£000s	£000s	£000s	
(6)	(7)	(8)	(9)	(10)	(11)	(12)	
119,202	90,521	92,883	24,379	7,099	71,273	102,751	9,868
70,886	88,942	89,843	57,961	29,617	7,216	94,794	4,951
42,368	65,748	68,112	12,734	50,613	16,658	80,005	11,893
50,118	50,170	47,707	26,285	19,476	6,596	52,357	4,650
17,810	0	0	0	0	7,349	7,349	7,349
26,426	19,803	20,580	19,213	2,366	2,822	24,401	3,821
21,532	11,402	10,942	4,094	4,962	5,494	14,550	3,608
22,746	23,685	24,103	9,288	13,374	1,965	24,627	524
30,180	30,072	28,643	11,496	14,284	4,325	30,106	1,463
31,383	24,532	21,677	13,153	7,491	8,709	29,352	7,674
16,316	21,039	22,772	9,824	11,749	2,474	24,047	1,276
11,043	7,623	7,703	3,751	753	5,717	10,221	2,518
25,617	36,602	34,644	4,611	13,877	18,575	37,062	2,418
12,035	3,708	2,839	4,525	1,425	597	6,548	3,709
4,657	2,866	3,435	1,888	17	2,275	4,180	745
69,237	57,591	59,459	7,298	71,325	30,286	108,909	49,450
571,558	534,305	535,341	210,499	248,429	192,331	651,259	115,918
193,060	292,384	302,103	98,419	161,218	94,465	354,102	52,001
764,618	826,689	837,442	308,918	409,646	286,797	1,005,361	167,919
19,009	7,687	8,219	5,288	2,994	3,319	11,601	3,383
28,044	63,895	66,486	6,668	30,419	46,185	83,272	16,786
811,672	898,273	912,149	320,874	443,059	336,301	1,100,235	188,086
755,090	862,186	892,903	309,237	434,246	315,004	1,058,487	165,583

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>Salary</i>	<i>Benefits</i>
Abbey National Group Union - ANGU		1,846	4,243
Accord		83,830	14,313
Amalgamated Engineering and Electrical Union		74,730	35,038
Ambulance Service Union		-	1,000(a)
Associated Society of Locomotive Engineers and Firemen		58,100	14,505
Association for College Management		62,979	7,578
Association of Educational Psychologists		43,434	4,827
Association of Magisterial Officers		46,180	6,950
Association of Professional Music Therapists in Great Britain	Chairperson	-	1,800(a)
Association of Teachers and Lecturers		93,390	22,224
Association of University Teachers		57,940	10,919
Bakers Food and Allied Workers Union		33,260	8,300
Birmingham Union of Club Stewards		-	1,300
Boots Pharmacists Association (BPA)		-	5,000(a)
Britannic Field Staff Association		53,303(f)	79,065(b)(f)
British Air Line Pilots Association		87,028	24,000
British Association of Advisers and Lecturers in Physical Education		12,993	-
British Association of Colliery Management		53,980	6,965
British Association of Dental Nurses		19,250	1,431
British Association of Journalists		16,999	544
British Dental Association	Chief Executive	91,790	9,150
British Medical Association	Chairman	-	51,927(a)
British Union of Social Work Employees		6,300	802
Broadcasting Entertainment Cinematograph and Theatre Union		46,374	9,321
CGNU Staff Association		58,859	7,528
Ceramic and Allied Trades Union		35,083	19,253

Chartered Society of Physiotherapy	Chief Executive	72,645	12,204
Church and Oswaldtwistle Power Loom Overlookers Society		60	-
Communication Workers Union		58,749	40,893
Community and Youth Workers Union		35,761	2,861
Confederation of Shipbuilding and Engineering Unions		52,284	16,208
Connect; The Union for Professionals in Communications		66,000	16,917
Engineering and Fasteners Trade Union		200	-
Engineers and Managers Association		63,1619(e)	16,825(e)
Equity (Incorporating the Variety Artistes Federation)		64,572	14,898
FDA		64,024	13,316
Federation of Entertainment Unions		10,105	-
Fire Brigades Union		50,896	31,280
Fire Officers Association		27,891	3,551
GMB		67,000	19,000
General Dental Practitioners Association		-	25,235(a)
General Federation of Trade Unions		47,059	16,444
General Union of Loom Overlookers		22,212	-
Graphical Paper and Media Union		69,935	14,138
Guild of Professional Teachers of Dancing		-	7,000(a)
Headmasters and Headmistresses Conference		70,497	5,716
Hospital Consultants and Specialists Association	Administrative Director	36,432	6,182
Hyde and District Textile (Technicians and Operatives) Association		399	-
IPF		-	3,121
Ice Hockey Players Association (Great Britain)	Executive Director	-	1,500(a)
Immigration Service Union		-	450(a)
Institute of Journalists (Trade Union)		22,460	-
Institution of Professionals Managers and Specialists		63,209(e)	2,912(e)
International Federation of Actors		38,871(c)	18,276(c)(d)
International Transport Workers Federation		76,906	14,194
Irish Bank Officials Association		156,183	70,243
		(IR£)(c)(d)	(IR£)(c)
Iron and Steel Trades Confederation		55,478	14,293
Lecturers Employment Advice and Action Fellowship		18,360	3,550
Leicestershire Overmen Deputies and Shotfirers Association		990	-
Lloyds TSB Group Union		66,000	35,808

Manufacturing Science and Finance Union		76,637	9,986
Midland Area Association of Colliery Officials		27,189	11,388
Musicians Union		39,167(e)	-
NAPO - The Trade Union and Professional Association for Family Court and Probation Staff		44,311	8,402
NISA		30,750(f)	3,158(f)
National Association of Colliery Overmen Deputies and Shotfirers (South Wales Area)		27,446	-
National Association of Colliery Overmen Deputies and Shotfirers (Yorkshire Area)	President	38,155	5,001
National Association of Co-operative Officials		55,799	10,355
National Association of Educational Inspectors Advisers and Consultants		51,714	-
National Association of Head Teachers		92,385	15,182
National Association of NFU Group Secretaries		-	5,540
National Association of Schoolmasters and the Union of Women Teachers		75,382	21,575
National Association of Teachers in Further and Higher Education		53,178	10,237
National Federation of Sub-Postmasters		62,702	17,821
National Society for Education in Art and Design		37,090	3,291
National Union of Domestic Appliances and General Operatives		27,286	11,221
National Union of Flint Glassworkers		1,750	-
National Union of Journalists		59,188(c)(g)	3,037(c)
National Union of Knitwear Footwear and Apparel Trades		38,690	12,749
National Union of Lock and Metal Workers		27,100	11,156
National Union of Marine Aviation and Shipping Transport Officers		60,628	12,489
National Union of Mineworkers	President	67,342	16,160
National Union of Mineworkers (Cokemens Area)		43,629	760
National Union of Mineworkers (Colliery Officials and Staffs Area) (Region No. 4)		16,941	7,963
National Union of Mineworkers (Derbyshire Area)		43,449	9,702
National Union of Mineworkers (Durham Area)		6,734	16,152
National Union of Mineworkers (Leicester Area)		26,124	2,579
National Union of Mineworkers (North East Area)		47,145	5,930
National Union of Mineworkers (North Stafford Midlands Area)		2,731	-
National Union of Mineworkers (North Wales Area)		19,289	4,914
National Union of Mineworkers (Northumberland Area)		38,718(h)	14,983
National Union of Mineworkers (South Wales Area)		38,623	8,000
National Union of Rail Maritime and Transport Workers		51,899(c)	3,401(c)
National Union of Teachers		86,650	15,767
Nationwide Group Staff Union		65,004	12,559

Prison Officers Association		52,434	13,581
Prison Service Union		38,580	8,553
Professional Association of Teachers		39,083	4,204
Professional Cricketers Association	Chief Executive	57,000	11,417
Professional Footballers Association		495,918	141,353
Professional Rugby Players Association		20,500	-
Public and Commercial Services Union	Joint General Secretaries	62,149	-
		5,312	1,147
RSPB Staff Association	Chairperson	750	-
Retail Book Stationery and Allied Trades Employees Association	President	34,726	5,931
Retained Firefighters Union		30,229	3,022
Retired Officers Association		1,400	-
Royal College of Midwives		84,677(i)	21,762(i)
Royal College of Nursing of the United Kingdom		103,372(j)	19,598(j)(k)
Secondary Heads Association		68,550	9,104
Securicor Custodial Services Staff Association		25,558	15,026
Securicor Guarding Staff Association		24,050	-
Society of Authors Limited		75,000	34,810
Society of Chiropodists and Podiatrists	Chief Executive	49,629	3,970
Society of Local Council Clerks	Chief Executive	9,154	666
Society of Radiographers		29,323	1,016
Society of Registration Officers (Births, Deaths and Marriages)		-	500(a)
Stable Lads Association		25,000	-
Trades Union Congress		66,439	13,977
Transport and General Workers Union		73,765	15,575
Transport Salaried Staffs Association		54,025	-
UBAC		40,196	4,912
UNIFI	Joint General Secretaries	68,301	13,906
		48,589	8,889
UNISON - The Public Service Union		73,834	10,336
Undeb Cenedlaethol Athrawon Cymru (National Association of Teachers of Wales)		30,811	2,326
Union of Construction Allied Trades and Technicians		53,735	11,176
Union of Democratic Mineworkers (National)		11,856	-
Union of Finance Staff		66,411	3,818
Union of Shop Distributive and Allied Workers		66,895	16,691
Union of Textile Workers		24,056	33,087
United Road Transport Union		40,892	12,010
Writers Guild of Great Britain		40,000	-

Scotland

Association of Head Teachers in Scotland	-	12,000(a)
Educational Institute of Scotland	68,914	10,446
Independent Federation of Nursing in Scotland	10,750	-
National Union of Mineworkers (Scotland Area)	1,506	-
Offshore Industry Liaison Committee	26,124	-
Scottish Carpet Workers Union	20,768	2,020
Scottish Further and Higher Education Association	27,804	-
Scottish Secondary Teachers Association	58,755	8,910

Notes:

- (a) Honorarium.
- (b) Includes, as a substantial proportion of the sum, a redundancy payment.
- (c) Total paid in respect of 2 people and is not the sum paid to one individual.
- (d) Includes, as a substantial proportion of the sum, a termination payment.
- (e) Payment made for a period less than 12 months.
- (f) Payment made for a period more than 12 months.
- (g) Includes a back payment agreed by the NEC.
- (h) 60% of General Secretary's salary (including pension and employer's national insurance contributions) is charged to the Provident and Benevolent Fund.
- (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) Includes, as a substantial proportion of the sum, a payment for relocation expenses.

Appendix 6

Summary of Statistics - Employers' Associations, returns received during the period 1 April 2002 - 31 March 2003

Appendix 6 provides a simple analysis of the annual returns made by employers' associations to the Certification Office. 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 2001, the table includes returns from employers' associations with year ending dates ranging from October 2001 to September 2002 and therefore due in this Office between 1 April 2002 and 31 March 2003.*

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 £2m.

Summary of Statistics - Employers' Associations, 2001-2002

(see paragraph 4.16)

	GROSS INCOME				GROSS EXPENDITURE
	From Members	From Investments	Other Income	Total Income	
	£000s	£000s	£000s	£000s	
Employers' Associations with over £2,000,000 total income:	(1)	(2)	(3)	(4)	(5)
Engineering Employers Federation	2,850	7,297	934	11,081	8,328
EEF West Midlands Association	2,253	264	5,443	7,960	7,588
EEF South	1,697	65	1,399	3,162	2,902
Engineering Employers Western Association	1,069	29	1,167	2,266	2,205
EEF East Midlands Association	564	28	1,608	2,200	2,043
Engineering Employers Sheffield Association (South Yorks & North Midlands)	670	14	1,335	2,018	1,956
7 Other Engineering Employers' Associations in Great Britain (e)	4,399	129	2,307	6,835	7,076
England and Wales Cricket Board Limited	0	379	67,263	67,642	67,984
National Farmers Union	22,211	407	1,427	24,044	24,191
Retail Motor Industry Federation Limited	3,383	294	15,082	18,759	17,319
*Freight Transport Association Limited	3,120	37	13,513	16,670	16,309
Electrical Contractors Association	2,681	1,846	6,393	10,920	10,516
Heating and Ventilating Contractors Association	2,518	427	5,886	8,831	8,377
*Chemical Industries Association Limited	4,867	91	1,967	6,925	7,062
*Association of Colleges	3,288	92	2,533	5,913	5,662
British Printing Industries Federation	2,834	72	2,661	5,567	6,444
*Road Haulage Association Limited	2,233	71	2,824	5,129	4,932
National Federation of Retail Newsagents	4,669	161	19	4,849	4,935
Federation of Master Builders	3,325	45	341	3,711	3,444
Newspaper Society	3,304	100	179	3,583	3,547
*Society of London Theatre 'SOLT'	392	67	3,098	3,557	3,550
National Pharmaceutical Association Limited	2,710	282	437	3,429	4,077
South Western Provincial Employers Organisation	874	85	1,905	2,864	2,786
Paper Federation of Great Britain Ltd	1,390	4	1,313	2,707	2,689
Electrical Contractors Association of Scotland	675	353	1,080	2,108	1,462
West Midlands Local Government Association	1,119	18	959	2,096	2,071
Construction Confederation	1,344	105	638	2,087	2,401
Producers Alliance for Cinema and Television Ltd	1,991	11	37	2,040	2,148
Total for above Employers' Associations	82,433	12,773	143,746	238,952	234,004
Total for 63 other listed Employers' Associations	13,724	828	7,626	22,178	22,086
Total for 84 other unlisted Employers' Associations	8,533	747	5,536	14,816	15,223
Total for all Employers' Associations 2001-2002	104,690	14,349	156,908	275,946	271,312
Total for all Employers' Associations 2000-2001	106,447	26,711	147,211	280,368	267,971

*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)
28,193	30,947	2,330	27,669	2,034	32,032	1,085	14
5,599	5,971	4,065	2,204	3,307	9,576	3,605	939
2,426	2,686	1,356	1,280	712	3,347	661	374
945	1,005	273	434	740	1,447	442	476
1,405	1,562	824	711	263	1,798	236	422
374	437	658	0	604	1,263	826	498
5,371	5,130	677	1,379	4,472	6,529	1,399	1,864
(45)	(387)	177	0	14,158	14,335	14,722	152
54,192	54,045	47,188	20,748	5,104	73,041	18,996	144,481
6,252	7,692	5,955	0	8,192	14,147	6,455	9,330
4,522	4,883	4,047	0	4,579	8,626	3,743	11,088
43,863	44,267	4,483	48,186	10,293	62,961	18,695	2,078
3,741	4,195	1,065	1,360	5,935	8,359	4,164	1,408
495	358	84	0	2,780	2,864	2,506	69
1,444	1,695	93	0	5,919	6,012	4,318	441
3,386	2,509	787	1,488	1,946	4,221	1,712	2,393
3,428	3,624	2,433	14	2,084	4,531	907	9,434
3,570	3,484	2,170	1,828	1,705	5,703	2,219	21,169
2,674	2,941	2,928	1,000	535	4,463	1,522	12,881
2,013	2,050	173	1,103	4,119	5,395	3,345	161
205	211	2,305	0	6,196	8,501	8,290	114
2,936	2,288	1,265	2,156	3,192	6,613	4,325	4,777
1,652	1,730	235	1,970	629	2,835	1,104	73
905	923	1,265	0	344	1,608	686	56
2,391	3,037	2,572	50	1,228	3,851	814	520
249	274	64	8	1,069	1,141	868	87
5,548	5,234	3,906	475	2,991	7,372	2,138	7
1,529	1,420	43	374	1,200	1,618	197	920
189,262	194,210	93,422	114,436	96,331	304,189	109,978	226,226
23,972	24,065	11,443	4,051	15,390	30,884	6,820	25,639
18,368	17,962	4,265	9,265	10,126	23,656	5,695	10,731
231,603	236,237	109,130	127,752	121,847	358,729	122,492	262,596
225,915	238,312	97,520	142,377	108,553	348,451	110,139	273,041

Appendix 7

(see paragraph 5.3)

Trade Unions Maintaining Members' Superannuation Schemes at 31 March 2003

Note: * Denotes schemes exempt from the need for actuarial examination (see paragraph 5.4). 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 2002 to 31 March 2003

Trade Union Transfers of Engagement

<i>Engagements transferred from</i>	<i>To</i>	<i>Transfer registered on</i>
WISA - the Union for Woolwich Staff	UNIFI	1 June 2002
Union of Textile Workers	Amicus	13 November 2002
Girobank Senior Managers Association	Alliance and Leicester Group Union of Staff	15 November 2002
CGNU Staff Association	Amicus	9 January 2003

Employers' Association Transfers of Engagement

<i>Engagements transferred from</i>	<i>To</i>	<i>Transfer registered on</i>
EEF Lancashire	EEF North West	29 April 2002

Appendix 9

Political Funds of Trade Unions, 2001-2002

(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)
Amalgamated Engineering and Electrical Union (d)	384,036	105,130
Associated Society of Locomotive Engineers and Firemen	15,569	249
Association of University Teachers	36,132	1,038
Bakers Food and Allied Workers Union	27,160	0
Broadcasting Entertainment Cinematograph and Theatre Union	24,060	98
Ceramic and Allied Trades Union	13,794	0
Communication Workers Union	233,061	32,745
Connect; The Union for Professionals in Communications	11,930	6,855
Educational Institute of Scotland	50,999	2,425
Fire Brigades Union	42,372	9,019
General Union of Loom Overlookers	225	40
GMB	649,329	39,947
Graphical Paper and Media Union	48,438	56,224
Institution of Professionals Managers and Specialists (e)	63,618	1,019
Iron and Steel Trades Confederation	27,648	4,860
Manufacturing Science and Finance Union (d)	150,460	182,231
Midland Area Association of Colliery Officials	302	0
Musicians Union	28,148	577
National Association of Colliery Overmen Deputies and Shotfirers	43	0
National Association of Schoolmasters and the Union of Women Teachers	160,697	996

POLITICAL FUND (a)			
Income	Expenditure	Fund at Beginning of Year (c)	Fund at End of Year
£ (3)	£ (4)	£ (5)	£ (6)
1,954,000	2,723,000	1,539,000	770,000
83,600	151,551	100,603	32,652
39,857	26,639	(13,151)	67
69,014	89,265	59,749	39,498
40,931	37,506	12,327	15,752
83,959	50,864	252,165	285,260
1,244,762	1,997,836	1,085,615	332,541
37,038	38,130	21,728	20,636
116,306	4,088	690,676	802,894
247,465	196,605	441,230	492,090
440	450	211	201
2,650,000	2,816,000	183,000	17,000
187,568	177,392	204,262	214,438
39,735	7,835	208,694	240,594
161,001	261,682	181,070	80,389
583,000	860,000	736,000	459,000
1,593	510	8,882	9,965
44,015	22,535	25,380	46,860
355	500	1,021	876
83,839	80,485	24,469	27,823

Political Funds of Trade Unions, 2001-2002

(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)
National Association of Teachers in Further and Higher Education	55,783	2,507
National Union of Domestic Appliances and General Operatives	2,101	3
National Union of Knitwear Footwear and Apparel Trades	14,893	154
National Union of Mineworkers	5,349	198
National Union of Mineworkers North Western Cheshire and Cumbria Miners' Association	14	0
National Union of Rail Maritime and Transport Workers	58,699	578
Prison Officers Association	33,225	0
Transport and General Workers Union	737,020	23,032
Transport Salaried Staffs Association	28,679	3,062
Union of Construction Allied Trades and Technicians	85,872	17,894
Union of Democratic Mineworkers	3,258	0
Union of Senior Revenue Officials	2,094	74
Union of Shop Distributive and Allied Workers	291,587	18,750
Union of Textile Workers (f)	1,065	7
UNISON: The Public Service Union	1,191,028	75,597
Total for the 35 unions with political funds in this year	4,478,688	585,309
Total for the 35 unions with political funds in the previous period	4,419,165	643,000

Notes:

- The information in the table is derived from annual returns received during 2002-2003, the majority of which relate to the year ending 31 December 2001.
- 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.
- These figures may have changed from last year's report due to later information.
- The Amalgamated Engineering and Electrical Union and the Manufacturing Science and Finance Union amalgamated to form Amicus with effect from 1 January 2002. These figures represent the position for the year to 31 December 2001.
- This union amalgamated with the Engineering Managers Association to form Prospect with effect from 1 November 2001. These figures represent the position for the period 1 January 2001 to 31 October 2001.
- This union merged with Amicus with effect from 13 November 2002. These figures represent the position for the year to 31 December 2001.

Appendix 9

POLITICAL FUND (a)

Income	Expenditure	Fund at Beginning of Year (c) £ (5)	Fund at End of Year £ (6)
£ (3)	£ (4)		
65,911	66,620	16,901	16,192
1,285	1,225	1,672	1,732
56,035	94,211	124,309	86,133
69,005	62,637	143,832	150,200
75,032	75,000	431	463
223,000	370,000	374,000	227,000
53,499	57,427	8,224	4,296
1,966,000	2,136,000	2,708,000	2,538,000
109,397	121,812	98,587	86,172
115,000	177,000	81,000	19,000
1,756	939	6,800	7,617
6,447	0	76,046	82,493
1,055,591	1,551,952	966,989	470,628
2,535	0	677	3,212
4,607,000	6,261,000	3,920,000	2,266,000
16,075,971	20,518,696	14,290,399	9,847,674
15,973,927	16,403,347	14,725,417	14,295,997

Appendix 10

Current statutory fees applicable from 1 April 2003

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 booklets 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 (2000)*
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 (2002)*
8. *Annual Reports of the Certification Officer*
9. *The Certification Officer's Freedom of Information Act Publication Scheme (2002)*

