

CERTIFICATION OFFICE
FOR TRADE UNIONS AND EMPLOYERS' ASSOCIATIONS

**Annual Report
of the Certification Officer
2001-2002**

The Rt Hon Patricia Hewitt MP
Secretary of State for Trade and Industry
1 Victoria Street
London SW1H 0ET

Rita Donaghy OBE
Chair of ACAS
Advisory, Conciliation and Arbitration Service
Brandon House
180 Borough High Street
London SE1 1LW

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 2001 to 31 March 2002.

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

DAVID COCKBURN
Certification Officer
12 June 2002

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Introduction

This is the twenty sixth Annual Report to be published since the post of Certification Officer was established in 1975. It deals with my activities since my appointment as Certification Officer on 1 August 2001 to 31 March 2002. It also covers the activities from 1 April 2001 to 31 July 2001 of my predecessor, Mr Whybrew, who served as Certification Officer for over 8 years. It gives me pleasure to record that Mr Whybrew was awarded a CBE in the New Year's honours list in 2002.

The Certification Officer's functions 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.

These functions are discussed in the following chapters.

I am particularly pleased to report that during the past year a website for the Certification Office has been developed. This can be found at www.certoffice.org. The website is intended to be helpful to trade unions and employers' associations, their members and all interested in the work of the Certification Office. The information available on the website includes:-

- The last three annual reports.
- Guidance booklets on mergers, political funds, certificates of independence and financial irregularities.
- Guidance on making a complaint and the procedure at formal hearings.
- The full text of all decisions of the Certification Officer made after August 2001 and a selection of key decisions made before then.
- Frequently asked questions.
- Lists of trade unions and employers' associations.

Comments on the website are welcome.

Over the past year a total of sixty-eight decisions were issued by my predecessor and myself, an increase of six over the previous reporting period. My predecessor and I considered whether to exercise our powers to appoint an inspector to investigate the financial affairs of a union on six occasions but did not consider that it would be appropriate to do so in any of these cases. During the period under review the prosecution of one trade union for failure to submit an annual return was under active consideration.

The decisions of the Certification Officer which attracted the most media attention during the past year have been the decisions of my predecessor to refuse a certificate of independence to NISA (the News International Staff Association) and his decision not to appoint an inspector to investigate the financial affairs of the Manufacturing Science and Finance Union. Both these decisions are now on the Certification Officer's website. NISA have appealed to the Employment Appeal Tribunal (EAT) against my predecessor's decision and the appeal is likely to be heard in late 2002/early 2003 with a time estimate of five days. At a preliminary hearing in March 2002 the EAT decided that it will consider evidence that has emerged since the date of my predecessor's decision and will decide the issue of independence afresh as at the date of the hearing before the EAT.

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.

Mr G S Osborne and Mr J L J Craig, WS, continued to hold their appointments as Assistant

Certification Officer and Assistant Certification Officer for Scotland respectively. However, this was the last full reporting year in which Mr Osborne served as Assistant Certification Officer. He was appointed on 1 December 1988 and retired on 5 June 2002. In the short period I worked with Mr Osborne I found him to be a source of great experience, expertise and common sense. He was the first inspector appointed under the powers of the Certification Officer to investigate the financial affairs of trade unions and he will be greatly missed not only by the staff at the Certification Office but also by the trade unions and employers' associations with which he has dealt over the years. On 8 October 2001, I appointed Mr Whybrew as an Assistant Certification Officer to determine those complaints in which it is appropriate that I recuse myself. On 31 March 2002 there were twelve 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 52% 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, 5% to work arising from trade union mergers, 41% to work relating to complaints and trade union finances, and the remainder to other matters including independence and political funds. The increase in resources allocated to work relating to complaints and trade union finances from 11% in 1999-2000 arises from the extension of the Certification Officer's powers under the Employment Relations Act 1999 which amended the 1992 Act.

The statutory fees to be paid for certain items of work undertaken by the Office are reviewed regularly and any increase normally becomes effective from 1 April. During the period ending 31 March 2002 there was no increase in the fees, which are set out in Appendix 10 and are available on the website.

The net cost of the Office for the year ended 31 March 2001 was £522,000. My salary as Certification Officer at 31 March 2002 was £56,382 for a three day week. This sum is pensionable at an additional cost to the public purse of £10,430 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 £1053. 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: enquiries@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 2002 and the changes that have occurred during the financial year. 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.) If the Certification Officer is satisfied that the organisation falls within the appropriate definition in the 1992 Act (see paragraphs 1.15 and 1.16) he must enter its name in the relevant list. 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. A list of trade unions and employers' associations also appears 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 he may, after giving the organisation concerned the opportunity to make representations, remove its name from that list. 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 2001-31 March 2002. 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 or are now in Appendix 2a as an unlisted employers' association.

Trade Unions; England and Wales

- *Amalgamated Engineering and Electrical Union
- Association of Theatre Personnel Nationwide
- Britannic Field Staff Association
- Caerphilly Public Employees Union
- Civil and Public Service Union (1998)
- *Engineers and Managers Association
- *Institution of Professional Managers and Specialists
- *Manufacturing Science and Finance Union
- Military and Orchestral Musical Instrument Makers Trade Society
- National Association of Colliery Deputies Overmen and Shotfirers (Northumberland Area)
- National Union of Club Stewards

Employers' Associations; England and Wales

- British Lock Manufacturers Association
- Dairy Industry Federation Ltd
- Employers Federation of Textile Finishers
- Footwear Distributors Federation
- Multiwall Sack Manufacturers Employers Association
- Welsh Engineers and Founders 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 2001-31 March 2002. An asterisk denotes those who were formed as a result of mergers. The others 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 organisations previously known to the Certification Officer that joined the lists during this period.

Trade Unions; England and Wales

*Amicus

IPF

*Prospect

Securicor Guarding Staff Association

Employers' Associations; England and Wales

Association of Ductwork Contractors and Allied Services

Clothing Trades Alliance

The lists at 31 March 2002

- 1.9 As required by sections 2 and 123 of the 1992 Act this report includes the trade union and employers' associations on the lists as at 31 March 2002. They are reproduced as Appendices 1 and 2. The lists at 31 March 2002 comprised 199 trade unions and 94 employers' associations.

Changes during the year are summarised in the table below:

	<i>On lists at 31 March 2001</i>	<i>Changes between 1 April 2001 and 31 March 2002</i>		<i>On lists 31 March 2002</i>
		<i>Additions</i>	<i>Removals</i>	
Trade Unions	206	4	11	199
Employers' Associations	98	2	6	94

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, an exception was built into the legislation 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 are adapted to 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.

The following 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 Chiropodists and Podiatrists
Society of Radiographers

Unlisted organisations

- 1.13 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 20 trade unions and 90 employers' associations which had submitted annual returns in the reporting year but which had not sought to be listed. There may be others meeting the statutory definition of a trade union or employers' association of which the Office is unaware. Being unlisted does not limit an organisation's 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.
- 1.14 During the year the Office approached four organisations which it was thought might be trade unions or employers' associations but of which it was previously unaware. In all four cases, returns are now expected.

Definition of a trade union

- 1.15 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

1.16 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 laid down 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.

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”.

- 2.4 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.
- 2.5 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, the Act provides that 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, 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 is required by statute to disregard certain criteria in respect of prison service unions. He reaches his decision on the basis of the criteria as a whole and in doing so is strictly bound by the statutory definition. The Certification Officer is not empowered to take into account other considerations such as the effect the issue of a certificate might have on industrial relations.

Applications and Reviews

- 2.7 One application for a certificate of independence was received during the period 1 April 2001 to 31 March 2002. The application was from Amicus (formed from the merger of the Amalgamated Engineering and Electrical Union and the Manufacturing Science and Finance Union). The application from NISA (the News International Staff Association) that had been received the previous year, was determined. Concerns were raised during 2001 about the independence of one trade union, ANSA (now Abbey National Group Union – ANGU). Following enquiries with the union its independent status was confirmed without the requirement of a formal review.

Decisions

- 2.8 In the case of Amicus, a certificate of independence was issued on 8 February 2002.
- 2.9 The Certification Officer refused the application from NISA on the grounds that the union was liable to interference from the employer within the meaning of that expression in the statutory definition of an independent trade union. The Certification Officer's decision was published on 18 May 2001. NISA has appealed to the Employment Appeal Tribunal (EAT) and it is anticipated that the appeal will be heard in late 2002/early 2003. 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 as at the date of the hearing. The appeal is to be listed for five days.

- 2.10 Seven certificates of independence were cancelled because the unions concerned had ceased to exist. Four of these seven were the result of mergers. Details are given in Appendix 3.

Annual Returns and Access to Accounting Records

The requirements for trade unions and employers' associations to keep proper accounting records and to submit annual returns to the Certification Officer are set out in this Chapter. It also deals with the provisions relating to the investigation of the financial affairs of trade unions and employers' associations and with provisions relating to jurisdiction in respect 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 for trade union and employers' association purposes must 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 which consist wholly or mainly of representatives of constituent or affiliated organisations are exempted from several provisions of the Act, including the duty to supply a copy of the 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 for the Certification Officer to decide whether an organisation is viable but it is his responsibility 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. 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 1.12) or an employers' association may use auditors who are not eligible for appointment under the Companies Act 1989 provided 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 Companies Act auditors.
- 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 Of all the returns received by the Office in the year to 31 March 2002, very few (0.4%) of the returns were qualified by the auditors. Most qualifications, as in previous years, were of a minor or technical nature and appropriate 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 Provided the period covered is the same and there is no significant diminution in the degree of disclosure, a special register body (see Chapter 1 of this report, paras 1.10 to 1.12) 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 and so avoid the duplication of broadly similar financial statements. In such circumstances, however, and notwithstanding anything in the Companies Act, an auditor's report is still required to be made and this report must comply with the requirements of the 1992 Act.
- 3.11 With the exceptions already noted, the duties imposed by sections 28, 32 and 131 of the Act apply to all trade unions and employers' associations, whether listed under sections 2 or 123 or not. Refusal or wilful neglect to perform any of them is an offence for which the organisation concerned may be prosecuted and fined. The Certification Officer is responsible for enforcing these provisions, but does not generally undertake prosecutions for offences such as theft or fraud which would normally be dealt with by other prosecuting authorities. However, the Certification Officer is able to appoint inspectors to investigate allegations of financial irregularities in the affairs of a trade union or employers' association. (See 3.17 below).

Late submission of returns

- 3.12 The 1992 Act requires an organisation to submit an annual return to the Certification Officer before 1st June in the calendar following the year to which the annual return relates. For most organisations (78%) the financial year coincides with the calendar year and ends on 31 December, but others differ. In the reporting period 10% of returns were submitted more than three months after their due date. However by 31 March 2002, 98.7% 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 2002.

Trade unions

Anchor Group Staff Association
National Union of Club Stewards

The National Union of Club Stewards was removed from the Certification Officer's list during the course of the year.

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

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

Statement to members

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

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

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

“A member who is concerned that some irregularity may be occurring, or have occurred, in the conduct of the financial affairs of the union may take steps with a view to investigating further, obtaining clarification and, if necessary, securing regularisation of that conduct.

The member may raise any such concern with such one or more of the following as it seems appropriate to raise it with: the officials of the union, the trustees of the property of the union, the auditor or auditors of the union, the Certification Officer (who is an independent officer appointed by the Secretary of State) and the police.

Where a member believes that the financial affairs of the union have been or are being conducted in breach of the law or in breach of rules of the union and contemplates bringing civil proceedings against the union or responsible officials or trustees, he should consider obtaining independent legal advice.”

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

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

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

- 3.17 The 1992 Act (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, he may appoint inspectors to investigate the organisation's financial affairs and to report on them. He may only appoint inspectors if one or more of the following circumstances are suggested: *that the financial affairs of the trade union or employers' association have been or are being conducted fraudulently or unlawfully; that those managing those affairs have been guilty of fraud, misfeasance or other misconduct in connection with that management; that the organisation concerned has failed to comply with a duty under the Act relating to its financial affairs or that a rule of the organisation relating to its financial affairs has not been complied with.* A member may complain to the Certification Officer that there are circumstances suggesting any of the foregoing. The Certification Officer must then consider whether it is appropriate to exercise any of the powers conferred on him by the Act in that respect.
- 3.18 Information suggesting circumstances where one or more of the situations described in paragraph 3.17 have occurred may come to the Certification Officer's attention from a variety of sources including, for example, as a result of a member querying information supplied by the union in its statement to members, or from other approaches by members. In addition the Certification Officer's staff watch for references in the media to situations which suggest that such circumstances may exist in the financial affairs of a trade union or employers' association.
- 3.19 Not all the information received by my Office is of sufficient merit to warrant any approach to the body concerned. Where an approach is warranted, the matter is frequently resolved either through correspondence between the Office and the parties concerned or by means of informal meetings with the body or the individual or a combination of these methods.
- 3.20 During the year to 31 March 2002 the two enquiries outstanding at the end of the last reporting year were concluded. These concerned the GMB and the Manufacturing Science and Finance Union (MSF). Additionally, the Certification Officer made further enquiries of the National Association of Colliery Overmen Deputies and Shotfirers (South Wales) (see paras 3.19 and 3.22 of the 2000-2001 Annual Report).
- 3.21 The Certification Officer's further enquiries of MSF (see paras 3.20 – 3.21 of the 2000-2001 Annual Report) were concluded on the 31 July 2001 when the Certification Officer issued a findings letter (see para 3.24) which is on the union's public file and on the Certification Officer's website.

- 3.22 During this reporting period the Certification Officer used his powers under section 37A of the 1992 Act on one occasion. This was to require documents to be produced by an individual in respect of the Certification Officer's enquiries with MSF. The individual concerned complied readily with the Certification Officer's direction to produce documents and/or explanations of them and fully cooperated with his enquiries.
- 3.23 In the period 1 April 2001 to 31 March 2002 concerns were raised about particular aspects of the conduct of the financial affairs of three trade unions; the GMB, the Musicians' Union and the National Union of Mineworkers (Durham Area). These concerns were taken up with the relevant organisations. The Certification Officer did not consider it appropriate to appoint inspectors in the cases of the GMB or the National Union of Mineworkers (Durham Area). As at the 31 March 2002 enquiries with the Musicians' Union remained outstanding but were drawing to a conclusion.
- 3.24 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

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

- 3.26 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.

- 3.27 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.
- 3.28 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.
- 3.29 An order made by the Certification Officer under this section may be enforced in the same way as an order of the court.
- 3.30 In the period 1 April 2001 to 31 March 2002 the Certification Officer received two such applications, one against the Manufacturing Science and Finance Union (MSF) and the other against Amicus (MSF Section). The application against MSF was resolved by the applicant being requested to specify to the union the records she required access to, and the union agreed, once clarification was supplied by the applicant, to provide a satisfactory response. The application against Amicus was received on 28 March 2002.

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 2001-2002. It also covers the jurisdiction of the Certification Officer to determine complaints about the maintenance of trade unions' membership registers.

Returns received in 2001-2002

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 2000 and September 2001. The majority (86%) of returns are for unions or employers' associations with accounting periods ending 31 December 2000.

4.2 The total of 414 organisations which submitted returns for this period was made up as follows:

206	Listed trade unions
20	Unlisted trade unions
96	Listed employers' associations
92	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 2001-2002 is given in Appendix 4. Details are shown for the 16 trade unions with more than 100,000 members. Last year's report indicated that the Office expected to have better information on trade unions' expenditure on benefits to members. Unfortunately inspection of returns received this year suggest substantial inconsistencies in the way unions analyse and report their expenditure on benefits. The inconsistencies are such that it is considered that a schedule setting out the reported benefits would be at best unhelpful and at worst misleading.

- 4.4 The statistics in Appendix 4 are based on returns from 226 unions compared with returns from 237 recorded in the Annual Report 2000-2001. 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 7,779,393. The major unions with a membership of over 100,000 accounted for 6,397,915 members or 83.6% of the total. Returns in the period show that trade union membership distribution by size as follows:

Trade unions: distribution by size

			<i>Number of Unions</i>		<i>Membership of all Unions</i>	
<i>Number of Members</i>	<i>Number of Unions (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	50	1,744	22.1	22.1	0.0	0.0
100-499	41	11,990	18.1	40.3	0.2	0.2
500-999	21	14,263	9.3	49.6	0.2	0.4
1,000-2,499	28	46,594	12.4	61.9	0.6	1.0
2,500-4,999	21	74,032	9.3	71.2	1.0	1.9
5,000-9,999	12	85,721	5.3	76.5	1.1	3.0
10,000-14,999	4	48,109	1.8	78.3	0.6	3.6
15,000-24,999	12	222,872	5.3	83.6	2.9	6.5
25,000-49,999	15	515,135	6.6	90.3	6.6	13.1
50,000-99,999	6	361,018	2.7	92.9	4.6	17.8
100,000-249,999	5	764,881	2.2	95.1	9.8	27.6
250,000 and over	11	5,633,034	4.9	100.0	72.4	100.0
Total	226	7,779,393	100		100	

- 4.6 The returns show that total trade union membership decreased by 118,900 members (1.5%) from the previous year. Although this is a relatively minor change, it reverses the trend of the previous 2 years which have seen successive small increases. The total membership of 7.8 million compares with 8.9 million in 1992 and a peak of 13.2 million in 1979. Membership of major unions fell by 82,949 (1.3%) from the previous year.
- 4.7 The above figures exclude any correction to reflect the fact that this year the Association of Flight Attendants excluded from its membership figures 50,260 members who belong to its parent union overseas. Taking this into account, total trade union membership may be seen as having decreased by 68,640 (0.9%).

- 4.8 The following table shows changes of 10,000 or more in the total membership of individual unions during the reporting period.

Trade Union: Changes in Membership

	<i>Total Membership (000's)</i>		
	<i>1999-2000</i>	<i>2000-2001</i>	<i>% changes</i>
<i>Decreases</i>			
GMB	694	683	-1.6%
Manufacturing Science and Finance Union	404	350	-13.4%
Transport and General Workers Union	871	858	-1.5%
UNIFI	171	160	-6.4%

- 4.9 The annual return submitted by unions to the Certification Officer requires the union to provide figures of both total membership and of members who pay contributions. There can be significant differences between these sets of figures usually as a 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 10% less than the figure for total membership.

Membership register

- 4.10 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, the right to receive information relating to himself or herself which is held on the register. 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.
- 4.11 During the period 1 April 2001 to 31 March 2002 the Certification Officer received one application concerning the maintenance of the register of members' names and addresses. The application, against the Manufacturing Science and Finance Union (MSF), was dismissed on withdrawal on 31 August 2001 (**Warrington v MSF (D/86/01)**). A second application against MSF outstanding as at 31 March 2001 was dismissed on the 18 July 2001 (**Beaumont v MSF (D/63/01)**) following a hearing before the Certification Officer. At 31 March 2002 no applications of this nature were outstanding. 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

- 4.12 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 also shown separately in Appendix 9.
- 4.13 From the returns received during this reporting period, the figures show that the gross income of trade unions was £785.7 million, an increase of 4.2% on that reported in the 2000-2001 report. Income from members rose by 6.4% to £631.1 million while investment and other income fell by 3.9 %.
- 4.14 Gross expenditure rose by 4.5% to £755 million, while at the end of the reporting period total funds (net assets) amounted to £892.8 million, an increase of 6.4% over the previous period.

Salaries and benefits

- 4.15 Trade unions are required to include in their annual return 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 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 32% paid a salary to their general secretary of over £40,000; 13% paid between £20,000 and £40,000; 13% paid up to £20,000, while the general secretaries of the remaining 42% did not receive a salary. Seven unions (3%), although paying no salary to their general secretary, do provide various benefits.
- 4.16 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, if not the major, proportion of the benefits paid. Employer's national insurance contributions are excluded from the table at Appendix 5.

Employers' associations

- 4.17 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 33 associations (including unlisted associations) with total income of more than £2,000,000. For comparative purposes, statistics from 9 engineering employers organisations whose individual incomes are below £2,000,000 are combined in the table.

- 4.18 The statistics in Appendix 6 are based on returns from 188 employers' associations compared with returns from 194 in the report for 2000-2001.
- 4.19 From the returns received in this period, the figures show the gross income of employers' associations was £280 million compared with £282.5 million reported in 2000-2001, a decrease of 0.9%. Income from members fell from £107.4 million to £106.3 million. Income from investments rose from £24.5 million to £26.7 million. Other income fell by £3.6 million to £147.1 million. Gross expenditure decreased from £274.8 million to £267.6 million (2.6%).
- 4.20 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 £238 million an increase of £18.3 million (8.3%) over the figure for the previous period.
- 4.21 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 covering 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 During the course of this year, the Office undertook a review of the records of superannuation schemes which revealed that a number of schemes previously listed were no longer active. At the end of the period of this report there were 13 members' superannuation schemes maintained by 8 trade unions. 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 pensioners.

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 2001 to 31 March 2002

- 5.5 Two reports, one each from the GMB and the GPMU, were received during this period and have been submitted to the Government Actuaries Department for evaluation.
- 5.6 Applications for exemption from the requirement to submit actuarial reports were received from the GPMU concerning three of their five schemes. Following discussions with the union, the Certification Officer agreed to exempt the Plate Preparers' Section Superannuation Fund and the Electrotypers' and Stereotypers' Superannuation and Death Benefit Fund; both on the grounds of the small number of members involved and the small amount of payments made. The Certification Officer, however, refused the application concerning the Litho Trade Group Printers Superannuation Fund and accepted assurances that the outstanding actuarial report for this scheme would be submitted in due course.
- 5.7 The report from the National Union of Rail, Maritime and Transport Workers superannuation fund, due at the end of December 2001, had not been received at the end of the reporting period.
- 5.8 All reports received are sent to the Government Actuaries Department for their specialist views on the acceptability of the valuation reports submitted.

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 2001 to 31 March 2002. 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. 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 the despatch of a copy of the scrutineer's report to every member of the union or their being notified of its contents by other means. 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 or, if he finds it justified, may either make a declaration but no order, or 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 2001 to 31 March 2002

- 6.9 During the above period two amalgamations of trade unions took place and one transfer of engagements from one union to another, using the procedures laid down by the Act. Details are given in Appendix 8.
- 6.10 The three mergers of unions which took place during the period 1 April 2001 to 31 March 2002 involved a total of 1,182,977 members. The largest merger registered during this period was that between the Amalgamated Engineering and Electrical Union (AEEU) and the Manufacturing Science and Finance Union (MSF) which created the new union Amicus. The transfer took effect on 1 January 2002 and involved 1,079,185

members. This was the largest trade union merger since the creation of UNISON in 1993 and created the country's second largest union. At the end of the year three transfer of engagements of trade unions and one of employers' associations were in progress.

- 6.11 During the period 1 April 2001 to 31 March 2002 the Certification Officer received one complaint relating to a merger under the 1992 Act. The complaint concerned the amalgamation of the MSF with the AEEU to form Amicus. At a hearing before the Certification Officer on 11 December 2001 terms of an agreement were agreed between the complainant and MSF and the complainant withdrew his complaint (**Anderson v MSF (CO/1964/17)**). The amalgamation of MSF and the AEEU to form Amicus was registered on 1 January 2002. 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 website of the Certification Officer.

Changes of name

- 6.12 Sections 107 and 134 of the 1992 Act stipulate 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 2001 to 31 March 2002 approval was given to the changes of name of five listed trade unions and one listed employers' association as shown below.

Trade Unions		Effective Date
<i>From</i>	ANSA	
<i>To</i>	Abbey National Group Union – ANGU	22 January 2002
<i>From</i>	British Actors Equity Association (Incorporating the Variety Artistes' Federation)	
<i>To</i>	Equity (Incorporating the Variety Artistes' Federation)	17 November 2001
<i>From</i>	Guinness Staff Association	
<i>To</i>	Guinness UDV Staff Association	12 July 2001
<i>From</i>	Association of First Division Civil Servants	
<i>To</i>	FDA	26 June 2001
<i>From</i>	National Association of Probation Officers	
<i>To</i>	NAPO – The Trade Union and Professional Association for Family Court and Probation Staff	9 May 2001
Employers' Associations		
<i>From</i>	The Advertising Film and Videotape Producers Association	
<i>To</i>	Advertising Producers Association	17 August 2001

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 2001 to 31 March 2002.

The statutory provisions

(a) *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. If it does so, the organisation must adopt political fund rules which will govern the expenditure of funds on such objects. Those rules must be approved by the Certification Officer. A resolution to adopt political objects must be passed by the members in a postal ballot held under rules which again require approval by the Certification Officer. An independent scrutineer must be appointed to oversee the requirements of the ballot.

(b) *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 laid down 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 contribution is a contribution to the political fund.

(c) *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.
- (d) *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, a review ballot, at least once every ten years. The 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.certooffice.org. Any trade union or employers' association wishing to ballot its members on a political fund resolution should contact the Office at an early stage.

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

- 7.9 In December 1997, the Society of Radiographers balloted its members and the resolution to establish a political fund was approved. Draft political fund rules were received from the union but an application for formal approval of the political fund rules has not been received.

Organisations with new political fund rules approved for the first time during 2001-2002

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

Amalgamations of unions already holding a political fund

- 7.11 Where two or more trade unions, each with a political fund in force, amalgamate, the amalgamated union will be treated under the provisions of section 93 of the 1992 Act as having passed a political fund resolution, provided that the rules of the union in force immediately after the amalgamation include political fund rules. The review ballot 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 this reporting period the Amalgamated Electrical and Engineering Union and the Manufacturing Science and Finance Union merged to form a new union, Amicus. Amicus has a political fund resolution and is due to hold a review ballot before July 2003.

Political fund resolutions in force

- 7.12 The number of political fund resolutions in force at 31 March 2002 was 33. The trade unions concerned are indicated in Appendix 1 and 1a.

Political funds of trade unions at 31 March 2002

- 7.13 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 2000. The latest available information is given in Appendix 9 which is derived from returns made by trade unions maintaining political funds during this period.
- 7.14 Annual returns received during the period 1 April 2001 to 31 March 2002 show total income of political funds as £16 million compared with £15.8 million reported in the 2000-2001 Report and expenditure of £16.4 million as compared with £17.0 million in the preceding year. Total funds were shown as £14.3 million in the returns received during the reporting period, virtually the same figure as reported in the 2000-2001 Report.

Political fund membership

- 7.15 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 4,419,165 compared with 4,498,499 in the 2000-2001 Report.

Exemption notices

- 7.16 Exemption notices (see paragraph 7.3) are obtainable from the organisation concerned or from the Certification Office. The Office supplied two such notices during the period 1 April 2001 to 31 March 2002.

Amendments to rules

- 7.17 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 2001 to 31 March 2002, the GMB and Graphical Paper and Media Union.
- 7.18 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 must also amend any out of date references to the 1913 Act in the political fund rules to refer to 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

- 7.19 During the period 1 April 2001 to 31 March 2002 one complaint was made to the Certification Officer, under section 82(2) of the 1992 Act, concerning a union's political fund. The complaint, made on 28 February 2002, concerned the political fund of Amicus. As at 31 March 2002, the Certification Officer's enquiries on this complaint were continuing.

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 Trade unions must ensure that no-one takes up a position as a member of the union's executive committee, president or general secretary, except in limited circumstances, 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 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 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 the 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.
- 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.
- 8.7 Where 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 The Certification Officer issued eight decisions and two enforcement orders relating to trade union elections during the period 1 April 2001 to 31 March 2002. One application was resolved without a formal determination by the Certification Officer. Applications against four trade unions relating to their elections remain outstanding as at the 31 March 2002.

8.12 Of the eight decisions issued in the period 1 April 2001 to 31 March 2002 the following are noteworthy:-

- **Ecclestone v NUJ (D/79-81/01)**. An application made by a member of the National Union of Journalists (NUJ) that the election of the union's President, by a decision of the delegates at the union's Annual Conference, had breached the requirements of the 1992 Act. The complaint was conceded by the union. The Certification Officer declared that the union had breached the requirements of the Act and issued an enforcement order. The enforcement order required the union, by 30 April 2003, to fill the post of President in a manner which satisfies the requirements of the Act and that in the intervening period, no election for the post of President of the union shall be held that does not satisfy the requirements of the legislation.
- **Petters and Saunders v MU (D/88-90/01)**. In applications made by two members of the Musicians' Union (MU) it was alleged that the union's General Secretary had continued to hold office for a period in excess of five years without being re-elected at an election satisfying the requirements of the Act. One of the applicants also alleged that the Chairperson of the union held the position without ever having been elected at such an election. The Certification Officer declared that the union had breached the 1992 Act by failing to secure that the General Secretary's continuation in office for a period in excess of five years was by virtue of being re-elected at an election satisfying the requirements of the Act. No enforcement order was issued, the General Secretary in question having left office. The union conceded the complaint relating to the Chairperson of the union and the Certification Officer made a declaration and issued an enforcement order. The enforcement order required the Chairperson to cease holding the position of Chairperson forthwith and that no member of the union should occupy the position of Chairperson otherwise than in accordance with the requirements of the Act.
- **Cribb v PAT (D/95/01) and Alexander v PAT (D/92-93/01)**. In two separate applications, complaints were made against the Professional Association of Teachers (PAT). In the first complaint (Cribb v PAT) a member complained that the union had failed to secure that no modification was made to his election address in the Association's election for the position of General Secretary. The Certification Officer refused to make the declaration sought. In Alexander v PAT the applicant alleged that

the Association, by issuing a press release with details of its preferred candidate for the post of General Secretary and by posting a similar announcement on the Association's website, had failed to provide equivalent facilities to all candidates in the election. It was also alleged that the union interfered with members right to vote by the issue of a circular shortly before the ballot was due to close. The Certification Officer refused to make either of the declarations sought.

- 8.13 The appeal by the Broadcasting, Entertainment Cinematograph and Theatre Union (BECTU) against the Certification Officer's decision (**Gates v BECTU (D/23-24/00)**) (see para 8.13 of the 2000 – 2001 Annual Report) was dismissed by the Employment Appeal Tribunal on 10 April 2001 (**BECTU v Gates (EAT/1462/00)**). The union has since informed the Certification Officer that it has put in place necessary rule changes regarding the manner in which it elects the President of the union and that the process for the election of the union's President would be completed by 19 May 2002.
- 8.14 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 down 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.
- 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 fifty-seven decisions and two enforcement orders during the period 1 April 2001 to 31 March 2002. At 31 March 2002, applications against six trade unions remain outstanding.
- 9.9 A continuing feature of breach of trade union rule complaints is that many of the complaints received and decided by the Certification Officer were multiple applications by one or more members of the union alleging breaches of various union rules.
- 9.10 Of the fifty-seven decisions issued in the year the following are noteworthy.
 - **Ryan v UNISON (D/45-48/01)**. In this case a member of UNISON complained that the union had breached a series of its rules relating to disciplinary action taken against her and in relation to the constitution or proceedings of a decision making meeting of the union. In upholding two complaints the Certification Officer decided that the union, in excluding the applicant from a meeting, had imposed a disciplinary penalty against her when no disciplinary action in accordance with rule had been taken. The Certification Officer also decided that the union had breached a national and branch rule of the union in relation to a decision of the branch to utilise emergency provisions of branch rules to reimburse taxi fares. No enforcement orders were issued in respect of these breaches.
 - **D'Agorne, Brooks and Heath v UNISON (D/64-68/01)**. In a decision dated 18 July 2001 the Certification Officer refused to make the declarations sought that UNISON had breached five of its rules relating to disciplinary action taken against three members of the union.

- **Kelly and Roberts v UNISON (D/77-78/01).** In refusing the declarations sought by two members of UNISON, the Certification Officer decided that the union had not breached a series of rules by the decision of its Standing Orders Committee and National Delegates Conference (NDC) to refuse a request from a branch to submit a rule change at the union's NDC.
- **MacDonald and Warrington v MSF (D/82-85/01).** In complaints made by two members of the Manufacturing Science and Finance Union (MSF) that the union had breached its rules by failing to comply with a resolution of the union's Annual Conference and by calling a Reconvened Annual Conference, the Certification Officer refused to make the declarations sought.
- **Warrington v MSF (D/94/01).** On 30 November 2001 the Certification Officer made a declaration that MSF had breached its rules when unauthorised written material was circulated in support of candidates at the time of the union's National Executive elections. The union accepted that there had been a breach of rule but considered it inappropriate for the Certification Officer to grant a declaration.
- **Beaumont v MSF (D/1-9/02).** In a series of complaints made by a member of MSF the Certification Officer made three declarations in respect of breaches by the union of its rules relating to disciplinary action taken against the applicant. The Certification Officer declined to make the declarations sought in respect of a further six breaches of the union's disciplinary rules. The Certification Officer made an enforcement order against the union ordering it to progress the applicant's appeal against a decision of the National Executive Council (NEC) dated 13 November 1999 to suspend him from office and that, in particular the applicant's appeal should be submitted to the union's NEC by 12 April 2002.
- **Hughes v UNISON (D/10-12/02).** The Certification Officer upheld a complaint against UNISON that the union had breached a rule of the union relating to the hearing of the applicant's appeal against his expulsion from the union. In issuing an enforcement order the Certification Officer ordered the union to appoint a differently constituted Appeals Committee and to rehear the applicants appeal, the rehearing to commence no later than the 27 May 2002 unless a later date is agreed between the parties. Declarations sought in respect of two other alleged breaches by the union of its disciplinary rules were refused by the Certification Officer.
- **Chesterman v MU – Decision D/13-14/02).** In making the declaration sought by the applicant the Certification Officer decided that the Musicians' Union (MU) had breached its rules by failing to place a members complaint against another member before the relevant District Disciplinary Committee

(DDC) of the union. No enforcement order was issued. In refusing a second declaration sought by the applicant, the Certification Officer decided that the union did not breach its rules by not placing a complaint against the members of its Executive Committee before the relevant DDC.

9.11 During the period to 31 March 2002 four appeals to the Employment Appeal Tribunal (EAT) were made against decisions of the Certification Officer. In the case of **Scouller v Transport and General Workers Union (D/27/00)**, the applicant withdrew his appeal before the EAT held a preliminary hearing. An appeal by MSF against a decision of the Certification Officer – **Michie v MSF (D/38-42/01)** (see para 9.11 of the 2000 – 2001 Annual Report) – and a cross appeal by Ms Michie – were dismissed by the EAT on the withdrawal of the appeal by the union and the cross appeal by Ms Michie. Two other appeals to the EAT remain outstanding at the end of the period. These are appeals 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 2000 – 2001 Annual Report) and an appeal by Mr Clarke against the decision of the Certification Officer in **Clarke v National Union of Mineworkers (D/43/01)**.

9.12 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.

9.13 In the period 1 April 2001 to 31 March 2002, a total of 280 enquiries were received.

General advice on the role of the Certification Officer	39
Appointment, election or dismissal from any office in the union	22
Disciplinary proceedings within the union	21
Balloting of union members (other than industrial action)	24
Constitution or proceedings of a unions executive committee or certain other bodies	29
Inadequate representation of members by their union	88
Union benefits or membership issues	11
Others	46
Total	280

The reduction in enquiries, from 410 in the corresponding period in 2000-2001 (see para 9.13 of the 2000-2001 Annual Report), is believed to have resulted from a wider public understanding of the role and areas of responsibility of the Certification Officer following the abolition in 1999 of the Office of the Commissioner for the Rights of Trade Union Members (see para 9.1 of the Certification Officer's Annual Report 1999-2000).

- 9.14 Not all of the 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. The category "others" included enquiries regarding the funding of complaints, the demise of the Commissioner for the Rights of Trade Union Members (CROTUM) and matters relating to union finances.

Appendix 1

(see paragraph 1.9)

List of Trade Unions at 31 March 2002

Notes:

Italics denotes a trade union first entered in the list during 1 April 2001 to 31 March 2002.

* Denotes a trade union holding a certificate of independence at 31 March 2002.

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 2002.

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

England and Wales

- * Abbey National Group Union – ANGU
- Alliance for Finance
- * Alliance and Leicester Group Union of Staff
- * Ambulance Service Union
- * *Amicus* (P)
- * 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 Her Majesty's Inspectors of Taxes (P)
- * 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
- * CGNU Staff Association
- * 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
- * Diplomatic Service Association
- * Directors Guild of Great Britain

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- * Ellington Branch of the North East Area of the National Union of Mineworkers
- * Engineering and Fasteners Trade Union
- * Engineering Craft and Technicians Association
- * 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

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

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

- * Independent Union of Halifax Staff

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

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

Organisation of CPL Technicians

- * 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

- * 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 Finance Staff
- * Union of Shop Distributive and Allied Workers (P)
- * Union of Textile Workers (P)
- * UNISON – The Public Service Union (P)
- * United Road Transport Union

Volunteers and Private Sectors Workers Union

Whatman Staff Association

- * WISA – The Union for Woolwich Staff
- * 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

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(P) Denotes a trade union with a political fund resolution in force at 31 March 2002.

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

- * Prison Staff Association
- * Scottish Carpet Workers Union
- * Scottish Further and Higher Education Association
- * Scottish Secondary Teachers Association

Appendix 1a

(see paragraph 1.13)

Unlisted Trade Unions at 31 March 2002

Notes:

Italics denotes a trade union first included in this appendix during the period 1 April 2001 to 31 March 2002.

(P) Denotes a trade union with a political fund resolution in force at 31 March 2002.

England and Wales

Anchor Group Staff Association
Association of Chiropodists and Podiatrists
Association of Flight Attendants (Council 07)‡

Confederation of Shipbuilding and Engineering Unions

Federation of Entertainment Unions
Friends Provident Life 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

‡A branch of an Independent American trade union.

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 2002

Notes:

Italics denotes an Employers' Association first included in this appendix during the period 1 April 2001 to 31 March 2002.

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 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 Metals Federation
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 Lancashire
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
Greater London Employers Association Limited

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

Glasgow and District Retail Fleshers Association

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 1.13)

Unlisted Employers' Associations at 31 March 2002

Notes:

Italics denotes an Employers' Association first included in this appendix during the period 1 April 2001 to 31 March 2002.

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

British Soft Drinks Association Ltd

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 Master Shoe Repairers Ltd
Society of London Theatre “SOLT”
South Western Roadstone Employers Federation

Textile Recycling Association
Theatrical Management Association Ltd
Tobacco Industry Employers Association

United Kingdom Jute Goods Association Ltd
Universities and Colleges Employers Association

Wall Covering Manufacturers Association of Great Britain Ltd
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

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 – Lanarkshire & District Association
Scottish Building – Moray District
Scottish Building Orkney Association
Scottish Building – Perth and District
Scottish Knitwear Association
Scottish Master Slaters and Roof Tilers Association
Scottish Wholesale Association

Western Isles Building Employers Association

Appendix 3

(see paragraph 2.8)

Decisions on Trade Union Independence during the period 1 April 2001 to 31 March 2002

Certificates of independence issued

Amicus

Certificates of independence refused

NISA

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

Amalgamated Engineering and Electrical Union

Engineers and Managers Association

Institution of Professionals Managers and Specialists

Manufacturing Science and Finance Union

Certificates cancelled because the union was dissolved

Britannic Field Staff Association

Military and Orchestral Musical Instrument Makers Trade Society

National Union of Club Stewards

Reviews completed

Abbey National Group Union – ANGU (formerly called ANSA)

Appendix 4

Summary of Statistics – Trade Unions, returns received during the period 1 April 2001 to 31 March 2002

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 2000, the table includes returns from trade unions with year ending dates ranging from October 2000 to September 2001 and therefore due in this Office between 1 April 2001 and 31 March 2002. Some figures may have changed from last year's report due to later information.*

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) Investment assets are shown at cost.
- (e) Negative figure results from unrealised losses in year.

Summary of Statistics – Trade Unions, 2000-2001

(see paragraph 4.3)

	Number of Members (a)	GROSS INCOME			
		From Members	From Investments (b)	Other Income	Total Income (c)
	(1)	£000s (2)	£000s (3)	£000s (4)	£000s (5)
UNISON: The Public Service Union	1,272,470	112,627	2,465	2,615	117,707
Transport and General Workers Union	858,804	70,115	2,489	1,208	73,812
Amalgamated Engineering and Electrical Union	728,211	38,235	4,993	5,034	48,263
GMB	683,860	42,222	1,089	3,008	46,319
Manufacturing Science and Finance Union	350,974	26,332	153	1,895	28,380
Royal College of Nursing of the United Kingdom	334,414	15,065	0	471	15,536
Union of Shop Distributive and Allied Workers	310,222	19,280	1,521	1,806	22,608
National Union of Teachers	286,245	17,691	844	1,322	19,857
Communication Workers Union	284,422	27,382	437	322	28,141
Public and Commercial Services Union	267,644	21,394	1,158	(20) (e)	22,532
National Association of Schoolmasters and Union of Women Teachers	255,768	13,132	602	2,331	16,065
Graphical Paper and Media Union	200,008	12,527	1,663	1,321	15,512
Association of Teachers and Lecturers	178,697	9,938	611	233	10,782
UNIFI	160,267	9,938	790	524	11,252
Union of Construction Allied Trades and Technicians	114,854	4,806	119	94	5,019
British Medical Association	111,055	23,598	4,396	40,057	68,051
Total for above unions with 100,000 members or more	6,397,915	464,282	23,332	62,222	549,835
Total for 190 other listed unions with less than 100,000 members	1,324,357	135,205	16,221	42,814	194,240
Total for listed unions	7,639,774	589,996	39,466	104,330	733,792
Trades Union Congress	—	11,738	1,988	3,616	17,341
Total for 19 other unlisted unions which have submitted returns	6,861	19,869	2,480	1,978	24,327
Total for all unions 2000-2001	7,779,393	631,093	44,021	110,629	785,743
Total for all unions 1999-2000	7,898,293	593,279	46,120	114,774	754,173

Notes – see previous page

Appendix 4

GROSS EXPENDITURE	TOTAL FUNDS		GROSS ASSETS				Total Liabilities
Total Expenditure (c)	Beginning of the Year	End of the Year	Fixed Assets	Investments (d)	Other Assets	Total Assets	
£000s (6)	£000s (7)	£000s (8)	£000s (9)	£000s (10)	£000s (11)	£000s (12)	£000s (13)
112,349	85,163	90,521	22,263	7,174	71,213	100,650	10,129
73,329	88,316	88,799	56,861	24,539	13,204	94,604	5,805
42,228	59,714	65,748	12218	61,918	3,735	77,871	12,123
47,754	51,605	50,170	26,956	18,637	8,967	54,560	4,390
27,733	13,592	14,239	14,512	2,296	3,007	19,815	5,576
15,536	0	0	0	0	7,108	7,108	7,108
21,348	22,362	23,622	7,366	14,668	2,214	24,248	626
20,589	12,134	11,402	4,163	5,240	5,061	14,465	3,063
28,473	24,864	24,532	13,002	8,616	9,329	30,947	6,414
23,207	30,747	30,073	11,409	15,852	3,583	30,844	772
15,905	20,880	21,039	9,959	10,032	2,850	22,841	1,802
16,323	37,176	36,364	4,923	14,738	22,403	42,064	5,700
10,568	7,409	7,623	3,851	799	4,981	9,631	2,008
12,018	4,466	3,700	4,537	2,489	777	7,803	4,103
4,493	2,340	2,866	1,917	18	1,948	3,883	1,017
64,791	54,331	57,591	7,817	41,462	31,375	80,654	23,063
536,644	515,098	528,289	201,754	228,478	191,756	621,988	93,699
180,399	280,369	294,210	97,084	172,177	72,238	342,499	48,289
706,996	791,006	817,802	295,484	399,513	261,810	956,807	139,005
16,465	6,811	7,687	3,948	2,937	4,489	11,374	3,687
21,529	59,816	62,614	6,448	30,653	45,419	82,519	19,905
755,038	862,100	892,805	309,235	434,245	314,901	1,058,381	165,576
722,232	807,502	839,443	285,429	399,272	316,366	1,001,067	161,624

Appendix 5

(see paragraph 4.15)

Salary and Benefits of Trade Union General Secretaries

England and Wales

	<i>Title</i> (General Secretary unless stated)	£ <i>Salary</i>	£ <i>Benefits</i> (a)
Abbey National Group Union – ANGU		1,107	4,243
Amalgamated Engineering and Electrical Union		68,504	33,011
Ambulance Service Union		—	1,000 (b)
Associated Metalworkers Union		18,754	37,869
Associated Society of Locomotive Engineers and Firemen		55,300	14,105
Association for College Management		58,350	4,668
Association of Educational Psychologists		40,227	4,866
Association of Magisterial Officers		44,722	6,731
Association of Professional Music Therapists in Great Britain	Chairperson	—	1,440
Association of Teachers and Lecturers		90,231	21,457
Association of University Teachers		69,985	12,312
Bakers Food and Allied Workers Union		31,597	7,983
Boots Pharmacists Association (BPA)		5,000	—
Britannic Field Staff Association		29,346	7,001
British Air Line Pilots Association		85,042	23,400
British Association of Advisers and Lecturers in Physical Education		11,078	—
British Association of Colliery Management		51,520	5,770
British Association of Dental Nurses		17,598	1,431
British Association of Journalists		16,916	544
British Dental Association	Chief Executive	88,681	9,685
British Medical Association	Chairman		42,743 (b)
British Union of Social Work Employees		5,824	802
Broadcasting Entertainment Cinematograph and Theatre Union		43,026	8,648
CGNU Staff Association		56,883	61,356
Ceramic and Allied Trades Union		32,118	14,002
Chartered Society of Physiotherapy	Chief Executive	70,354	11,819
Church and Oswaldtwistle Power Loom Overlookers Society		70	—
Communication Workers Union		68,250	24,988

Community and Youth Workers Union		35,999	2,861
Confederation of Shipbuilding and Engineering Unions		51,757	16,045
Connect; The Union for Professionals in Communications		64,803	13,920
Engineering and Fasteners Trade Union		200	—
Engineers and Managers Association		72,609	21,110
Equity (Incorporating the Variety Artists' Federation)		51,705	6,952
FDA		61,299	12,382
Federation of Entertainment Unions		10,105	—
Fire Brigades Union		68,740 (c)	39,947 (c)
Fire Officers Association		27,096	3,404
GMB		65,000	19,000
General Dental Practitioners Association			25,235 (b)
General Federation of Trade Unions		45,957	16,176
General Union of Loom Overlookers		21,604	—
Girobank Senior Managers Staff Association	Chairman	—	200
Graphical Paper and Media Union		67,899	13,280
Guild of Professional Teachers of Dancing		6,750	—
Headmasters and Headmistresses Conference		62,796	56,475
Hospital Consultants and Specialists Association	Administrative Director	36,533	5,306
Hyde and District Textile (Technicians and Operatives) Association		399	—
Ice Hockey Players Association (Great Britain)	Executive Director	1,500	—
Immigration Service Union		—	450 (b)
Independent Union of Halifax Staff		73,214	13,300
Institute of Football Management and Administration		8,500	—
Institute of Journalists (Trade Union)		22,460	—
Institution of Professionals Managers and Specialists		74,189	10,232
International Federation of Actors		49,458	7,113
International Transport Workers Federation		63,614	11,703
Irish Bank Officials Association		83,525 (IR£)	61,152 (IR£) (d)
Iron and Steel Trades Confederation		53,561	12,671

Lecturers Employment Advice and Action Fellowship		6,120	1,952
Leicestershire Overmen Deputies and Shotfirers Association		2,722	
Lloyds TSB Group Union		45,833	46,476
Managerial and Professional Officers Union	Chief Executive	51,885 (e)	3,517
Manufacturing Science and Finance Union		74,135	9,357
Midland Area Association of Colliery Officials		26,000	9,443
Musicians Union		59,075	19,609
NAPO – The Trade Union and Professional Association for Family Court and Probation Staff		43,667	8,262
National Association of Co-operative Officials		55,297	9,491
National Association of Colliery Overmen Deputies and Shotfirers (South Wales Area)		26,375	—
National Association of Colliery Overmen Deputies and Shotfirers (Yorkshire Area)	President	37,655	6,435
National Association of Educational Inspectors Advisers and Consultants		49,512	—
National Association of Head Teachers		86,266	14,464
National Association of NFU Group Secretaries		—	6,000
National Association of Schoolmasters and the Union of Women Teachers		71,377	20,795
National Association of Teachers in Further and Higher Education		51,480	9,382
National Federation of Sub-Postmasters		57,520	18,185
National Society for Education in Art and Design		35,778	—
National Union of Domestic Appliances and General Operatives		26,000	9,114
National Union of Flint Glassworkers		1,750	—
National Union of Journalists		52,554	3,228
National Union of Knitwear Footwear and Apparel Trades		38,210	14,725
National Union of Lock and Metal Workers		25,775	10,159
National Union of Marine Aviation and Shipping Transport Officers		58,366	10,518
National Union of Mineworkers	President	67,332	2,002
National Union of Mineworkers (Cokemens Area)		42,313	1,450
National Union of Mineworkers (Colliery Officials and Staffs Area) (Region No. 4)		16,417	6,439
National Union of Mineworkers (Derbyshire Area)		42,143	12,963
National Union of Mineworkers (Durham Area)		25,695	17,359
National Union of Mineworkers (Leicester Area)		25,761	1,862
National Union of Mineworkers (North Wales Area)		18,371	4,680
National Union of Mineworkers (Northumberland Area)		37,457 (f)	5,149

National Union of Mineworkers (South Wales Area)		37,462	—
National Union of Rail Maritime and Transport Workers		56,760	15,102
National Union of Teachers		83,953	13,896
Nationwide Group Staff Union		60,072	8,484
Prison Officers Association		49,859	13,046
Prison Service Union		30,000	12,551
Professional Association of Teachers		52,719	8,114
Professional Cricketers Association	Chief Executive	50,833	9,147
Professional Footballers Association		484,135	139,092
Professional Rugby Players Association		18,000	—
Public and Commercial Services Union	Joint General Secretaries	60,682	13,107
		58,015	200
RSPB Staff Association		—	500
Retail Book Stationery and Allied Trades Employees Association	President	31,395	5,570
Retained Firefighters Union		29,349	2,935
Retired Officers Association		2,000	—
Royal College of Midwives		79,231	20,362
Royal College of Nursing of the United Kingdom		92,847 (g)	22,339
Secondary Heads Association		63,675	8,739
Securicor Custodial Services Staff Association		17,983	5,947
Society of Authors Limited		73,500	62,680 (h)
Society of Chiropodists and Podiatrists	Chief Executive	51,912	3,640
Society of Local Council Clerks		12,500	—
Society of Radiographers		20,880	—
Society of Registration Officers (Births, Deaths and Marriages)		—	500 (b)
Stable Lads Association		15,000	—
Trades Union Congress		64,279	11,820
Transport and General Workers Union		73,776 (i)	11,909 (i)
Transport Salaried Staffs Association		47,667	3,958
UBAC		36,225	7,313
UNIFI	Joint General Secretaries	66,183	13,866
		48,007	9,693
UNISON – The Public Service Union		72,584	24,089
Undeb Cenedlaethol Athrawon Cymru (National Association of Teachers of Wales)		29,041	2,496
Union of Construction Allied Trades and Technicians		52,294	11,645
Union of Democratic Mineworkers (National)		11,856	—
Union of Finance Staff		62,937	12,149
Union of Shop Distributive and Allied Workers		64,963	16,083
Union of Textile Workers		23,107	3,974
United Road Transport Union		35,898 (j)	8,580 (j)

WISA – The Union for Woolwich Staff	16,263 (j)	4,028 (j)
Writers Guild of Great Britain	10,200 (j)	—

Scotland

Association of Head Teachers in Scotland		12,000 (b)
Educational Institute of Scotland	64,191	9,691
Independent Federation of Nursing in Scotland	6,867	—
National Union of Mineworkers (Scotland Area)	5,128	—
Offshore Industry Liaison Committee	24,679	—
Scottish Carpet Workers Union	20,163	842
Scottish Further and Higher Education Association	27,000	—
Scottish Secondary Teachers Association	54,267	8,876

Notes:

- (a) Employers pension contributions make up a significant, if not major proportion of benefits paid.
- (b) Honorarium.
- (c) Total paid in respect of two people and is not the sum paid to one individual.
- (d) Includes substantial and exceptional payments into a pension fund.
- (e) Payment in respect of 13 month period 1 January 2000 to 31 January 2001.
- (f) 60% of General Secretary's salary (including pension and employer's national insurance) charged to provident and benefit fund.
- (g) These figures include payments made in respect of General Secretary's role in the associated charitable trust.
- (h) Includes substantial payment into pension scheme made on actuarial advice.
- (i) Includes arrears of salary and benefits.
- (j) Payment made to General Secretary for a period less than 12 months.

Appendix 6

Summary of Statistics – Employers' Associations, returns received during the period 1 April 2001 to 31 March 2002

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 2000, the table includes returns from employers' associations with year ending dates ranging from October 2000 to September 2001 and therefore due in this Office between 1 April 2001 and 31 March 2002.*

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) Investment assets are shown at cost.
- (d) Some figures may have changed from last years report due to later information.
- (e) Individually each of the Associations has reported a total income less than £2m.
- (f) The figure shown includes adjustments to the valuation of fixed assets.

Summary of Statistics – Employers' Associations, 2000-2001

(see paragraph 4.17)

	GROSS INCOME				GROSS EXPENDITURE
	From Members	From Investments	Other Income	Total Income	
	(a) £000s (1)	(a) £000s (2)	(b) £000s (3)	(b) £000s (4)	(b) £000s (5)
Employers' Associations with over £2,000,000 total income					
Engineering Employers Federation	2,709	5,056	1,051	8,817	6,545
EEF West Midlands Association	1,767	281	5,368	7,416	7,106
EEF South	1,294	353	1,236	2,883	2,730
Engineering Construction Industry Association	1,843	194	344	2,381	2,047
Engineering Employers Western Association	981	58	991	2,030	1,981
9 Other Engineering Employers' Association in Great Britain (e)	4,677	231	6,253	11,160	11,274
England and Wales Cricket Board Limited	—	—	60,861	60,861	61,037
National Farmers Union	21,774	606	2,765	25,145	25,318
Retail Motor Industry Federation Limited	3,087	0 (f)	15,808	18,895	16,477
Electrical Contractors Association	2,559	8,506	5,460	16,525	11,295
*Freight Transport Association Limited	2,944	34	12,402	15,380	15,312
British Printing Industries Federation	3,598	6,362	115	10,075	7,330
Heating and Ventilating Contractors Association	2,184	427	5,073	7,684	7,860
*Chemical Industries Association Limited	4,820	146	1,409	6,375	6,275
*Road Haulage Association Limited	2,148	58	2,923	5,129	4,909
*Association of Colleges	2,749	112	2,177	5,038	5,097
National Federation of Retail Newsagents	4,466	155	20	4,641	4,920
Federation of Master Builders	3,347	34	474	3,855	3,670
Newspaper Society	3,357	190	117	3,664	3,620
National Pharmaceutical Association Limited	2,502	165	771	3,437	3,525
*Society of London Theatre 'SOLT'	383	80	2,662	3,125	3,108
Paper Federation of Great Britain Ltd	1,364	3	1,440	2,807	2,801
Construction Confederation	1,494	770	74	2,338	2,484
Builders Merchants Federation	856	65	1,307	2,228	2,105
Producers Alliance for Cinema and Television Ltd	2,076	(25)	49	2,100	2,043
Total for above Employers' Associations	78,979	23,860	131,151	233,990	220,868
Total for 68 other listed Employers' Associations	16,081	2,658	9,013	27,753	27,058
Total for 87 other unlisted Employers' Associations	11,203	196	6,931	18,330	19,718
Total for all Employers' Associations 2000-2001	106,263	26,714	147,095	280,072	267,628
Total for all Employers' Associations 1999-2000	107,398	24,460	150,682	282,539	274,809

*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		
£000s (6)	£000s (7)	£000s (8)	(c) £000s (9)	£000s (10)	£000s (11)	£000s (12)	(13)
25,910	28,181	1,950	26,310	1,271	29,531	1,350	16
5,289	5,599	4,234	2,067	2,715	9,016	3,417	991
2,274	2,426	1,346	1,266	565	3,177	751	371
2,206	2,540	61	408	2,795	3,264	724	281
465	513	178	433	643	1,254	741	451
5,001	4,888	3,892	1,904	3,043	8,839	3,951	3,058
131	(45)	321	0	7,746	8,067	8,112	39
57,130	56,957	32,851	30,482	7,256	70,589	13,632	137,492
3,834	6,252	5,434	0	6,646	12,080	5,828	9,710
38,632	43,863	3,749	50,614	6,742	61,104	17,242	2,025
4,454	4,522	4,230	0	3,770	8,000	3,478	10,996
875	3,620	782	1,601	3,367	5,750	2,130	2,342
3,916	3,741	926	1,813	4,958	7,697	3,956	1,342
395	495	111	0	1,652	1,763	1,267	166
3,479	3,699	2,791	14	1,960	4,765	1,066	9,422
1,251	1,192	224	—	5,903	6,128	4,936	440
3,848	3,570	2,042	1,860	1,880	5,782	2,212	21,855
2,488	2,673	2,999	499	751	4,250	1,577	13,450
1,969	2,013	186	1,234	2,889	4,309	2,295	159
3,024	2,936	1,238	1,968	5,715	8,921	5,985	4,987
188	205	2,347	0	5,008	7,355	7,151	107
899	905	1,323	0	1,011	2,334	1,429	63
5,775	5,629	4,130	532	2,301	6,963	1,334	7
610	733	306	0	826	1,132	399	305
1,472	1,529	55	579	1,247	1,881	352	974
175,514	188,636	77,708	123,584	82,660	283,951	95,315	221,049
28,824	29,535	13,991	6,798	16,695	37,484	7,949	38,379
21,201	19,812	5,742	11,827	9,114	26,682	6,870	23,212
225,540	237,984	97,440	142,208	108,469	348,118	110,134	272,930
212,023	219,752	90,779	137,452	98,104	326,335	106,582	269,230

Appendix 7

(see paragraph 5.3)

Trade Unions Maintaining Members' Superannuation Schemes at 31 March 2002

Note: * Denotes schemes exempted from the need for actuarial examination.

Amicus

AEEU Section

MSF Section (2 schemes listed below)

Sheet Metal Workers Superannuation Fund

MSF – APAC

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 Knitwear Footwear and Apparel Trades

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 2001 to 31 March 2002

Trade Union Amalgamation

<i>Amalgamating Trade Unions</i>	<i>Forming</i>	<i>Amalgamation registered on</i>
Institution of Professional Managers and Specialists (IPMS) and Engineers and Managers Association (EMA)	Prospect	1 Nov. 2001
Amalgamated Engineering and Electrical Union (AEEU) and Manufacturing, Science and Finance Union (MSF)	Amicus	1 Jan. 2002

Trade Union Transfers of Engagement

<i>Engagements transferred from</i>	<i>To</i>	<i>Transfer registered on</i>
Leicester Housing Association Staff Association	Manufacturing Science and Finance Union	6 June 2001

Appendix 9

Political Funds of Trade Unions, 2000-2001

(See Paragraph 7.13)

	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	396,852	105,184
Associated Society of Locomotive Engineers and Firemen	14,857	72
Association of Her Majesty's Inspectors of Taxes	2,063	88
Association of University Teachers	33,943	1,240
Bakers Food and Allied Workers Union	27,813	0
Broadcasting Entertainment Cinematograph and Theatre Union	25,198	91
Ceramic and Allied Trades Union	13,531	63
Communication Workers Union	238,520	31,519
Connect: The Union for Professionals in Communications	10,784	6,832
Educational Institute of Scotland	50,030	2,522
Fire Brigades Union	42,042	9,813
General Union of Loom Overlookers	231	57
GMB	648,802	35,058
Graphical Paper and Media Union	59,197	60,400
Institution of Professionals Managers and Specialists	62,314	1,093
Iron and Steel Trades Confederation	26,586	8,667
Manufacturing Science and Finance Union	140,845	191,571
Midland Area Association of Colliery Officials	306	—
Musicians Union	28,139	905
National Association of Colliery Overmen Deputies and Shotfirers	75	0

POLITICAL FUND (a)

Income	Expenditure	Fund at Beginning of Year	Fund at End of Year
£ (3)	£ (4)	£ (5)	£ (6)
1,603,000	1,055,000	991,000	1,539,000
76,290	52,678	76,991	100,603
5,638	0	70,408	76,046
36,771	66,145	15,442	(13,932)
67,933	55,718	47,534	59,749
43,117	37,353	6,563	12,327
82,482	41,007	210,690	252,165
1,250,274	1,040,559	875,900	1,085,615
34,863	32,012	18,900	21,728
120,580	7,554	577,650	690,676
233,903	133,461	340,788	441,230
458	471	224	211
2,650,000	2,755,000	288,000	183,000
240,008	265,314	229,568	204,262
50,951	1,534	159,277	208,694
285,806	150,758	46,022	181,070
616,000	541,000	661,000	736,000
1,613	300	7,569	8,882
42,095	50,694	33,979	25,380
317	0	792	1,109

Political Funds of Trade Unions, 2000-2001 cont.

(See Paragraph 7.13)

	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 Schoolmasters and the Union of Women Teachers	150,698	822
National Association of Teachers in Further and Higher Education	54,020	2,391
National Union of Domestic Appliances and General Operatives	2,051	4
National Union of Knitwear Footwear and Apparel Trades	20,465	185
National Union of Mineworkers	5,724	211
National Union of Mineworkers North Western Cheshire and Cumbria Miners' Association	14	0
National Union of Rail Maritime and Transport Workers	57,251	618
Prison Officers Association	32,385	0
Transport and General Workers Union	769,545	36,249
Transport Salaried Staffs Association	28,366	3,128
Union of Construction Allied Trades and Technicians	82,656	17,710
Union of Democratic Mineworkers	3,141	0
Union of Shop Distributive and Allied Workers	291,064	19,158
Union of Textile Workers	1,384	5
UNISON: The Public Service Union	1,118,057	109,209
Total for the 35 unions with political funds in this period	4,419,165	643,000
Total for the 38 unions with political funds in the previous period	4,498,499	666,677

Notes:

- (a) The information in the table relates to returns received during 2001-2002.
- (b) It should be noted that columns (1) and (2) do not necessarily add up to a union's total membership. This is because, in the case of some trade unions, total membership includes various classes of special category members (eg honorary, retired, unemployed) who are members under the union's rules but who are neither required to pay the political levy nor to seek formal exemption.
- (c) This figure has been changed from last year's report due to later information.

POLITICAL FUND (a)

Income	Expenditure	Fund at Beginning of Year	Fund at End of Year
£ (3)	£ (4)	£ (5)	£ (6)
78,518	67,665	13,616	24,469
63,921	62,151	15,131	16,901
1,287	1,225	1,610	1,672
78,205	60,383	106,487	124,309
53,395	50,451	147,164	150,108
32	0	399	431
232,000	209,000	351,000	374,000
53,499	124,642	79,367	8,224
2,138,000	3,160,000	3,730,000	2,708,000
104,173	76,144	70,558	98,587
215,000	184,000	50,000	81,000
1,436	272	5,651	6,815
1,051,311	1,311,856	1,227,534	966,989
3,051	0	(2,374)	677
4,458,000	4,809,000	4,271,000	3,920,000
15,973,927	16,403,347	14,725,417	14,295,997
15,833,149	17,045,947	15,474,224	14,261,426

Appendix 10

Current statutory fees applicable from 1 April 2002

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 on the website of the Certification Officer; 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*

