

**CERTIFICATION OFFICE
FOR TRADE UNIONS AND EMPLOYERS' ASSOCIATIONS**

**Annual Report
of the Certification Officer
2000-2001**

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I am required by the Trade Union and Labour Relations (Consolidation) Act 1992 to submit to you both a report on my activities as Certification Officer during the previous reporting period. I have pleasure in submitting such a report for the period 1 April 2000 to 31 March 2001.

E G WHYBREW
Certification Officer
15 June 2001

Contents

	Page
Introduction	1
Chapter	
1	8
Lists of Trade Unions and Employers' Associations	8
Entry in the lists and its significance	8
Removal from the lists	9
The lists at 31 March 2001	10
Special register bodies	11
Unlisted organisations	11
Definitions of a trade union and of an employers' association	11
2	12
Trade Union Independence	12
The statutory provisions	12
Criteria	13
Applications and reviews	13
Decisions	14
3	15
Annual Returns and Access to Accounting Records	15
The statutory provisions	15
Late submission of returns	18
Prosecution	19
Statement to members	19
Financial affairs of trade unions and employers' associations - use of statutory powers	20
Public inspection of annual returns	22
Access to accounting records	23
4	25
Financial and Membership Information	25
Returns received in 2000-2001	25
Trade unions :	25
numbers and membership	25
:	28
membership register	28
:	28
finance	28
:	29
salaries and benefits	29
Employers' associations	29
5	31
Superannuation Schemes	31
The statutory provisions	31
Schemes maintained	32
Reports: Period 1 April 2000 to 31 March 2001	32
6	33
Mergers	33

	The statutory provisions	33
	Guidance	35
	Mergers: Period 1 April 2000 to 31 March 2001	35
	Changes of name	35
7	Political Funds	37
	The statutory provisions	37
	Guidance on procedures	39
	Organisations with mandates for a political fund but political fund rules not yet approved	39
	Organisations with new political fund rules approved for the first time during 2000-2001	39
	Amalgamations of unions already holding a political fund	39
	Political fund resolutions in force	39
	Political funds of trade unions at 31 March 2001	40
	Political fund membership	40
	Exemption notices	40
	Amendments to rules	41
	Political fund complaints	41
8	Secret Postal Ballots for Trade Union Elections	42
	The statutory provisions	42
	Applications, investigations and decisions	44
9	Breach of Trade Union Rule Applications	47
	The statutory provisions	47
	Applications, investigations and decisions	49
Appendices		
1	List of trade unions at 31 March 2001	53
1a	Unlisted trade unions at 31 March 2001	61
2	List of employers' associations at 31 March 2001	63
2a	Unlisted employers' associations at 31 March 2001	67
3	Decisions on trade union independence during 2000-2001	71
4	Summary of statistics - trade unions, returns received during 2000-2001	72
4a	Salaries and benefits of trade union chief executives, 1999-2000	74
5	Summary of statistics - employers' associations, returns received during 2000-2001	77
6	Trade unions maintaining members' superannuation schemes at 31 March 2001	79
7	Mergers completed in 2000-2001	80
8	Political funds of trade unions, 1999-2000	81
9	Current statutory fees applicable from 1 April 2001	83
10	Certification Office publications	84

Introduction

This report deals with my activities during the period 1 April 2000 to 31 March 2001. It is the twenty fifth Annual Report to be published since the post of Certification Officer was established in 1975.

It is the ninth and final report to be submitted by me. Mr D Cockburn will be taking over as Certification Officer on 1 August 2001. As this is my last report I am taking the opportunity to reflect on how the role of the post has developed and to give an airing to some ideas on ways in which the post might develop in the future.

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.

The basic functions of keeping a list of unions (which until 1972 were defined in a way that included employers associations), and of receiving accounts and rule books were first given to the Registrar of Friendly Societies in 1871. In 1913 a more active role was created in that the Registrar had to approve arrangements for trade unions wishing to set up and maintain political funds. At the same time the Registrar was given the power to determine complaints from union members who alleged that his or her union had broken rules relating to political funds. In 1964 the Registrar was given powers to facilitate and oversee the process of mergers between unions (or between employers associations).

In 1971 these functions and powers were taken from the Registrar of Friendly Societies and a new body, the Registrar of Trade Unions was established. For the first time this differentiated in law between trade unions and employers associations, and the concept of unions being independent of employers was enacted. The Registrar of Trade Unions did not survive the 1974 election and the

powers were transferred temporarily back to the Registrar of Friendly Societies pending the establishment of the new post of Certification Officer. The first Certification Officer took up post in February 1976.

The Certification Officer's functions in 1976 were essentially those which the Registrar of Friendly Societies had operated prior to 1971. The major difference was that the concept of independence was developed and only a union with a Certificate of Independence issued by the Certification Officer could make use of the statutory recognition procedures which operated from 1976 to 1980.

In the 1980's and 90's the role of the Certification Officer was progressively expanded. In 1980 a scheme to encourage unions to use secret postal ballots for a wide range of purposes was introduced. The Certification Officer was given powers to refund the expenses of such ballots. This scheme was phased out between 1993 and 1996. Acts passed in 1984, 1988 and 1990 introduced among other things new provisions governing trade union elections, review ballots for political funds and ballots on mergers. In all of these cases the Certification Officer was given the task of determining complaints from members who thought their union had not followed the statutory procedures.

The legislation covering all the matters concerning the Certification Officer was largely consolidated in the 1992 Act but a year later new provisions were enacted relating to ballots, annual returns and financial statements to members. At the same time the Certification Officer was given wide powers to investigate allegations of financial irregularity in trade unions.

Finally, in 1999 Parliament gave the Certification Officer power to determine complaints where a member claimed that his or her union had broken its rules in relation to the appointment, election or removal of a person from any office, disciplinary proceedings, balloting on any issue other than industrial action and the constitution and proceedings of certain committees or meetings. The Certification Officer was given the power to issue orders with the force of a High Court Order, where he found, on complaint by a member, a breach of such rules or indeed of any of the longer standing statutory provisions.

It is clear from reports by the Registrar of Friendly Societies over the years, from my discussions with my two longest serving predecessors and my own experience that trade unions as a whole have accepted the independence and fairness of those of us who have carried out these functions. Apart

from the period 1971-1974 there have been very few instances of unions failing to cooperate with those empowered to oversee their activities. I should also add that I am not aware of any attempt, by anyone to interfere with our independence.

Since the early 1990's though there has been an increasing view in some unions that the Certification Officer's powers are becoming a "burden on the business" of running trade unions.

The area which has caused particular concern is the new jurisdiction in relation to breaches of union rules. This jurisdiction which accompanied the abolition of the post of Commissioner for the Rights of Trade Union Members came into effect in October 1999. The Commissioner had power to finance members wishing to take their union to court over alleged breaches of its rules relating to certain matters. The Certification Officer was given the power to determine allegations in relation to many of these matters. This jurisdiction has been responsible for a sevenfold increase in complaints to the Certification Officer (Albeit from a low base).

A large part of this is due to the fact that unlike the Commissioner, who had a discretion over which cases were supported, I have to determine any valid complaint that is made to me. This entails putting it to the union and sending their response to the complainant. It also entails that, if either side wishes it, I should provide for a hearing. It is my view that I have no discretion to preclude cases where the papers may fail to demonstrate an arguable case for a breach. Further, unlike the courts I have no power to turn cases away that I regard as frivolous or vexatious; although under s.256A I have limited power to refuse to entertain an application where the court or Employment Tribunal has an order in force that the applicant is vexatious. Finally the courts, following the principle in *Foss v Harbottle*, even in cases where internal procedures have been exhausted have often viewed it as inappropriate to intervene in union matters which are within the powers of the union to settle by its internal procedures (democracy). All this means that the resources of the Certification Officer and of trade unions can be taken up with issues where it is arguable that neither the substance, nor the strength, of argument really merit the expenditure of taxpayers' money.

I am not convinced that giving the Certification Officer similar powers to the courts or Employment Tribunals to rule out weak cases, with or without a pre hearing stage, would have the desired effect. This is particularly because my Office, in preliminary correspondence with complainants and sometimes with unions, can and does, under my guidance, ward off some of the types of cases that

the courts would strike out. However I believe there is still a problem of inappropriate cases reaching a hearing and I set out below one way in which such cases might be reduced.

These are early days for a new jurisdiction and I can see the strength of the case for saying that individual union members should have the right to a cheap and informal way of resolving disputes with their union over whether ballots or disciplinary proceedings are carried out according to the union's rules. Ballots and discipline incidentally are both areas where I believe the courts have been wary of applying the principle in *Foss v Harbottle*. I am less convinced that the right to such a dispute resolution process is valuable in relation to the constitution or proceedings of committees or decision making meetings. Usually cases under this clause reflect differences over policy which the union is, or should be, capable of resolving for itself. Of course these are matters for Parliament not for me and I and my successors will continue to enforce the law as enacted but I thought this was the most appropriate time and place to record my thoughts on these matters.

My experience in this role has also pointed to two steps which unions might consider to increase their accountability and appeal to their members. By far the most common complaint we receive from trade union members is one which we cannot (and should not be able to) deal with. This is that the union has not provided the member with the standard of service they expected. Some unions already have a formal complaints procedure for dealing with such issues; others might consider introducing one - perhaps with an independent element. Another contentious issue which unions might wish to consider is the question of greater transparency in the expense regime operated for national officials and officers.

Returning to a more factual note.

There was a slight fall in the number of cases concerning the financial affairs of trade unions referred to me during the period of my report. During the period under review there was one successful prosecution of a trade union for failure to submit an annual return. Further prosecutions are underway or are being considered.

At the end of March 2000 there were two outstanding refund claims under the ballot refund scheme. In the period ending 31 March 2001 I approved a payment amounting to £472 in respect of one ballot. This payment was made to the Association of Teachers and Lecturers. The application in

respect of the other outstanding refund claim was subsequently withdrawn thus bringing to conclusion the ballot refund scheme.

The Advisory, Conciliation and Arbitration Service is responsible for providing me with the finance and support services necessary for the performance of my statutory duties but this in no way affects the exercise of my functions independently both of the Service and of the Secretary of State. The 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. On 31 March 2001 there were thirteen staff in post in the Certification Office. I take this opportunity to thank all the staff who have worked for me over the last eight and half years particularly Mr Osborne who has been a tower of strength and source of much wise advice to me as he was to my predecessor. The development and training of staff to ensure that I am able to meet my statutory responsibilities is given a high priority and a range of developmental activities were undertaken during the year. The Office has adopted fully the principles of the Code of Practice on Access to Government Information.

Accounts relating to the activities of the 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 60% 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; 7% to work arising from trade union mergers; 30% to work relating to complaints and trade union finances; and the remainder to other matters including independence and political funds.

The statutory fees to be paid for certain items of work undertaken by the Office are reviewed annually and any increase normally becomes effective from 1 April. During the period ending 31 March 2001 there was no increase in the fees.

The net cost of the Office for the year ended 31 March 2000 was £419,000. My salary as Certification Officer at 31 March 2001 was £36,960 for a two day week. This sum is pensionable at an additional cost to the public purse of £6,838 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 a friend in attending the hearing. During the period under review such payments amounted to £3,763. 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 completely impartially on the facts of the case and in the light of the representations made by the parties concerned. I and my staff have to 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 10 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: cert@acas.org.uk

1

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 2001 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 9 for statutory fee). If the Certification Officer is satisfied that the organisation falls within the appropriate definition in the 1992 Act (reproduced in full in the 1999 - 2000 report paragraphs 1.14 and 1.15) 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. There are no corresponding advantages for employers' associations. However, once a name is entered on to the relevant list it may not be used by another organisation.
- 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.

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 2000 - 31 March 2001. * Denotes those who ceased to exist as

a result of mergers. The others were dissolved or deemed no longer to be trade unions or employers' associations.

Trade Unions; England and Wales

*Associated Metalworkers Union

Association of Professional Care Employees

Association of Public Service Finance Officers

*AXIS The AXA Sun Life Association

Benefits Agency Sessional Doctors Association

*British Aerospace Senior Staff Association

* Hambro Staff Association

Institute of Professional Driving Examiners

* Lloyds Register (UK) Staff Association

*Managerial and Professional Officers Union

National Union of Mineworkers (Power Group Area)

*Northern Carpet Trades Union

Pattern Weavers Society

*Power Loom Carpet Weavers and Textile Workers Union

Royal Lancaster Hotel Staff Association

Self-Employed and Employed Electricians Association

*Society of Chief Officers of Probation

Trade Unions; Scotland

*Scottish Prison Officers Association

Scottish Union of Power Loom Technicians

Employers' Associations; England and Wales

British Decorators Association

China Clay Association

The lists at 31 March 2001

- 1.8 As required by sections 2 and 123 of the 1992 Act this report includes the lists as at 31 March 2001. They are reproduced as Appendices 1 and 2. The lists at 31 March 2001 comprised 206 trade unions and 98 employers' associations.

Changes during the year are summarised in the table below:

	<i>On lists at 31 March 2000</i>	<i>Changes between 1 April 2000 and 31 March 2001</i>		<i>On lists 31 March 2001</i>
		<i>Additions</i>	<i>Removals</i>	
Trade Unions	221	4	19	206
Employers' Associations	100	0	2	98

The additions to the list of trade unions are shown at Appendix 1 in italics.

Special register bodies

- 1.9 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.
- 1.10 The Trade Union and Labour Relations Act 1974 resulted in trade unions no longer being allowed to have corporate status. An exception was though built into the legislation to preserve the position of those bodies which were already on the special register.
- 1.11 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; the voting members of the executive must, however, be elected in accordance with the statutory provisions. A full list of such bodies was produced in the 1999 - 2000 report at paragraph 1.11. There are no changes to the list.

Unlisted organisations

1.12 Because entry in the lists is voluntary it is difficult to say precisely how many trade unions and employers' associations are in existence at any given time. In addition to the numbers of listed organisations given in paragraph 1.8, at 31 March 2001 there were 22 trade unions and 94 employers' associations which had not sought to be listed. There may be others meeting the statutory definition 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 who have not applied to be included in the relevant lists are given at Appendices 1a and 2a respectively.

1.13 During the year the Office approached 5 organisations which it was thought might be trade unions or employers' associations but of which it was previously unaware. In 4 cases, returns are now expected.

Definitions of a trade union and of an employers' association

1.14 These were given in full in the 1999-2000 report at paragraphs 1.14 and 1.15.

2

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. (See Appendix 9 for level of statutory fee). The fee is payable on application. The Certification Officer must keep 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; notification is published in the London Gazette and the Edinburgh Gazette as appropriate. He must take into account any relevant information submitted by third parties. He is required to give his reasons if he refuses a certificate of independence and the union concerned has a right of appeal to the Employment Appeal Tribunal.
- 2.3 The Certification Officer may withdraw a certificate at any time if he is of the opinion that the trade union concerned is no longer independent. As in the case of a refusal, a trade union aggrieved by a decision to withdraw its certificate has a right of appeal to the Employment Appeal Tribunal.
- 2.4 Once the Certification Officer has determined that a trade union is independent and 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. Duplicate certificates of independence are not issued.
- 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 the proceedings may not continue further until that question has been decided by the Certification Officer.

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. 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 he is strictly bound by the statutory definition. He 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 Three applications for certificates of independence were received during the period 1 April 2000 and 31 March 2001. The applications were from the Ambulance Service Union, NISA (the News International Staff Association) and the Professional Association of Cabin Crew Employees.

Decisions

- 2.8 During the year two certificates of independence were issued. They were for the Ambulance Service Union and the Professional Association of Cabin Crew Employees. The application from NISA remained outstanding at the end of the period.
- 2.9 Eleven certificates were cancelled because the unions concerned had ceased to exist. Mergers accounted for eight of these cancellations. 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 new 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. It 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; duty to keep accounting records and to submit annual returns. There is one trade union that comes into this category; it is indicated in appendix 1.

- 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 its 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, and 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 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 1.9 - 1.11) 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 opinion, the accounts give a true and fair view of the matters to which they relate. He has a duty to carry out such investigations as will enable him to form an opinion 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 his opinion the statutory requirements have not been satisfied, or he fails to obtain all the necessary information and explanations, he must say so

in his report, by way of qualification.

- 3.9 Of all the returns received by the Office in the year to 31 March 2001, 1.3% of the returns were qualified by the auditors. Most qualifications, as in previous years were of a minor, technical nature and appropriate action has been taken to ensure such qualifications are not required in the future. Two qualifications from trade union returns were of some concern. Both related to the unions' failure to keep proper accounting records. Having received assurance that a proper accounting system would be in place, the Certification Officer took no further action on either trade union. 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. However, as full details showing what effect compliance would have had on the accounts were given in the notes to those accounts and, as in previous years, these qualifications had been fully reviewed by the Office, the Certification Officer took no further action in the case of these three qualified 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 1.9 to 1.11) 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 Acts and so avoid the duplication of broadly similar financial statements. In such circumstances, however, and notwithstanding anything in the Companies Acts, 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 ff

below).

Late submission of returns

- 3.12 The 1992 Act requires an organisation to submit an annual return to the Certification Officer within five months of its year end. 87.6% have a calendar year end but others submit before or after that date. In the reporting period 7.7% of returns were submitted more than three months after their due date; however by 31 March 2001, 97.4% had been received. The annual returns for the following trade unions and employers' associations were still outstanding by more than three months at 31 March 2001.

Trade unions

Association of Plastic Operatives and Engineers

National Union of Club Stewards

Anchor Group Staff Association

Employers' Associations

Association of Circus Proprietors

This association also had an annual return outstanding from the previous calendar year.

This Office continues to seek full compliance with the statutory requirements, and will take steps including prosecution 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 During 2000, legal proceedings were completed against the Association of Plastic Operatives and Engineers for failing to submit an annual return of its financial affairs as required by section 32 of the 1992 Act. The annual return for the calendar year 1998 had not been submitted. The case was heard on 14 June 2000 and the union was found guilty of the offence and was fined £1,500. The trade union's chairman was also found guilty of an offence and fined £1,000. Costs of £2,709 were awarded against the union.

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.

3.15 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.”

- 3.16 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 Office 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 Trade Union and Labour Relations (Consolidation) Act 1992 (as amended) allows the Certification Officer to investigate the financial affairs of virtually every trade union and employers' association. 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 In the period 1 April 2000 to 31 March 2001 concerns were raised about particular aspects of the conduct of the financial affairs of six trade unions. These were taken up with the relevant organizations. The unions involved were the Communication Workers Union, GMB, National Association of Colliery Overmen Deputies and Shotfirers (South Wales), National Union of Mineworkers (Colliery Officials and Staffs Area) (Region 2), Union of Construction Allied Trades and Technicians and UNISON -The Public Services Union (two cases).
- 3.20 Additionally, the Certification Officer sought clarification from the Manufacturing Science and Finance Union (MSF) of certain matters reported in the press as a result of an Employment Tribunal Case, Solomon and MSF (the case itself was settled on terms agreed between the parties).
- 3.21 Allegations of financial irregularities in MSF were originally brought to the Certification Officer's attention in early 1999. On the 21 July of that year the Certification Officer issued a findings letter (see para 3.25) which is on the union's public file. As a result of the press reports of the employment tribunal the Certification Officer wrote to the union, its auditors and others seeking further information and clarification. Additionally meetings have been held with the union, its auditors and other individuals, further the Certification Officer used his powers under Section 37A of the 1992 Act (as amended) to secure certain documents from MSF. At the 31 March 2001 those enquiries remain current.
- 3.22 Of the seven allegations raised with the Certification Officer in 2000/2001 the Certification Officer used his powers under section 37A once, to require documents to be produced by the National Association of Colliery Overmen Deputies and Shotfirers (South Wales). The union readily complied with the Certification Officer's direction to produce documents and/or explanations of them and fully cooperated with his enquiries.
- 3.23 Not all references received were of merit or warranted any approach to the body concerned, where it did, generally these matters were 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. In all cases the unions, and others, have been open and wholly cooperative with Certification Office staff.

3.24 At the 31 March 2001 enquires with GMB and MSF remain outstanding.

3.25 Where the Certification Officer concludes his enquiries into a financial investigation by issuing a findings letter to the organisation concerned, a copy of that letter is placed on the public file containing the annual returns of that organisation and is available to any interested party.

Public inspection of annual returns

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

- (a) the Trade Union Act 1871 - 1964
- (b) the Industrial Relations Act 1971, and
- (c) the Trade Union and Labour Relations Act 1974.

Access to Accounting Records

3.27 The Employment Relations Act 1999 extended the Certification Officer's powers to deal with a range of complaints (see Chapter 9 of this Report). Such powers include dealing with a claim made by a member that a trade union has refused him or her access to the trade union's accounting records under section 30 of the Act. An applicant has the option of applying to the court or to the Certification Officer. The Certification Officer may not consider an application if the complainant has applied to the court in respect of the same matter. Similarly once an application has been made to the Certification Officer the same matter may not be put to the court.

- 3.28 On application to him, the Certification Officer is required to make such enquiries as he thinks fit and give the applicant and the trade union an opportunity to be heard. On receipt of an application the Certification Officer, so far as reasonably practicable, will determine it within six months of it being made.
- 3.29 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.
- 3.30 An order made by the Certification Officer under this section may be enforced in the same way as an order of the court.
- 3.31 In the period 1 April 2000 to 31 March 2001 the Certification Officer received one such complaint (on 27 November 2000) against the Amalgamated Engineering and Electrical Union (AEEU). The application was dismissed on the withdrawal of the application, by the applicant, this followed the provision of certain information to the applicant by the union. Additionally, on 19 May 2000, a complaint against the Transport and General Workers Union was withdrawn following the union supplying to the complainant copies of branch records to which access had been sought. At the end of the reporting period there were no applications outstanding.

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 2000-2001. It also details jurisdiction for the Certification Officer to determine complaints about the maintenance of trade unions' membership registers.

Returns received in 2000-2001

4.1 The Office's information is derived from the annual returns received during the reporting period. Statistical information is given at Appendices 4, 4(a), 5 and 8. *That information and the following comments in this Chapter relate to accounting periods ending between October 1999 and September 2000. The majority (87.6%) of returns reflect a year end date of 31 December 1999.*

4.2 The total of 431 organisations which submitted returns for this period was made up as follows:

218	Listed trade unions
19	Unlisted trade unions
99	Listed employers' associations
95	Unlisted employers' associations

There is presently one organisation not required to submit an annual return (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 2000-2001 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. Efforts will continue to correct this but no information on this can be included in this years report.

4.4 The statistics in Appendix 4 are based on returns from 237 unions compared with returns from 238 recorded in the Annual Report 1999-2000. All unions of substantial size are included in both sets of figures, which are therefore broadly comparable.

4.5 The trade unions from which returns were received had a total membership of 7,897,519. The major unions with a membership of over 100,000 accounted for 6,480,864 members or 82.1% of the total. Returns in the period show that trade union membership distribution by size as follows:

Trade unions: distribution by size

Number of Members	Number of Unions (1)	Membership (2)	Number of Unions		Membership of all Unions	
			Per cent (3)	Cumulative Per cent (4)	Per cent (5)	Cumulative Per cent (6)
Under 100	44	1,486	18.6	18.6	0.0	0.0
100-499	49	12,493	20.7	39.3	0.2	0.2
500-999	22	14,145	9.3	48.6	0.2	0.4
1,000-2,499	34	57,847	14.3	62.9	0.7	1.1
2,500-4,999	23	83,382	9.7	72.6	1.1	2.2
5,000-9,999	12	91,861	5.1	77.7	1.2	3.4
10,000-14,999	4	52,665	1.7	79.4	0.7	4.1
15,000-24,999	10	181,070	4.2	83.6	2.3	6.4
25,000-49,999	18	617,856	7.6	91.2	7.8	14.2
50,000-99,999	5	303,850	2.1	93.3	3.8	18.0
100,000-249,999	5	787,854	2.1	95.4	10.0	28.0
250,000 and over	11	5,693,010	4.6	100.0	72.1	100.0
Total	237	7,897,519	100		100	

4.6 The returns show that total trade union membership increased by approximately 0.6% from

the previous year. This is the second year in which there has been an increase in membership figures. The total membership of 7.9 million compares with 10.4 million in 1989 and a peak of 13.2 million in 1979.

- 4.7 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>1998</i>	<i>1999</i>	<i>Changes</i>
<i>Increases</i>			
Association of Teachers and Lecturers	168	183	15
Public and Commercial Services Union	245	258	13
Union of Construction Allied Trades and Technicians	111	122	11

	<i>Total Membership (000's)</i>		
	<i>1998</i>	<i>1999</i>	<i>Changes</i>
<i>Decreases</i>			
Chartered Society of Physiotherapy	51	37	-14
GMB	712	694	-18
Manufacturing Science and Finance Union	416	404	-11
Transport and General Workers Union	881	871	-10

- 4.8 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

4.9 A trade union has a duty to maintain a register of the names and addresses of its members, and so far as reasonably practicable ensure that entries in the register are accurate and kept up-to-date. The 1992 Act provides that a trade union should allow any member on request, with reasonable notice, the right to receive information relating to them which is held on the register. Applications that a trade union has failed to comply with requirements of section 24 of the 1992 Act can be made to either the Certification Officer or the court. During the period 1 April 2000 to 31 March 2001 the Certification Officer received two applications concerning the maintenance of the register of members' names and addresses. One of the applications received was against the Communication Workers Union. The application concerned the same issues raised in the one case outstanding from the previous report and, following a joint hearing of the complaints, both were dismissed on 21 December 2000 (Decisions D/25 -26/00). The second application received was against the Manufacturing Science and Finance Union (MSF). At 31 March 2001 my enquiries into the application against MSF were continuing. Copies of decisions are available from the Certification Officer free of charge.

Finance

4.10 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.¹

4.11 From the returns received during this period, the figures show that gross income of trade

¹Separate figures for political funds are given at appendix 8.

unions was £754 million an increase of 2.2% on that reported in the 1999-2000 Report. Income from members rose by 0.8% to £593.2 million while investment and other income rose by 7.6%.

- 4.12 Gross expenditure rose by 2.6% to £722.2 million, while at the end of the reporting period total funds (net assets) amounted to £839.1 million an increase of 3.4% over the previous period.

Salaries and benefits

- 4.13 Trade unions are required to include in their annual return to the Certification Officer information about the salaries and benefits paid to certain of its 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 period showed that 29% paid a salary to their general secretary of over £40,000; 15% paid between £20,000 and £40,000; 13% paid up to £20,000, while the general secretaries of the remaining 43% did not receive a salary (six unions (2.6%), although paying no salary to their general secretary, do provide various benefits).
- 4.14 Appendix 4(a) gives information on the salary and benefit payments in respect of all unions who make a payment to their chief executive. It has come to the notice of the Office that, in a few trade unions, local or section officers are paid more than the Chief Executive but there is no requirement for these sums to be disclosed. Employer pension contributions make up a significant, if not major, proportion of the benefits made. Employer's national insurance contributions are excluded from the table at Appendix 4(a).

Employers' associations

- 4.15 A summary of statistics concerning the membership and finances of employers' associations based on returns received within the period is given in Appendix 5. Details are given for each of the 35 associations (including unlisted associations) with total income of more than £2,000,000.

- 4.16 The statistics in Appendix 5 are based on returns from 194 employers' associations . The largest employers' associations, as measured by total income, are included in both sets of figures which are therefore broadly comparable.
- 4.17 From the returns received in this period, the figures show the gross income of employers' associations was £280.9 million compared with £248.8 million an increase of 12.9% from that reported in the 1999-2000 Report. Income from members rose from £104.3 million to £106.7 million. Income from investments rose from £17.3 million to £24.4 million. Other income rose by £22.6 million to £149.7 million. Gross expenditure increased from £242.1 million to £273.7 million (13.1%) over the figure for the previous period.
- 4.18 The figures given in the Appendix 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 £218.3 million an increase of £11.4 million (5.5%) over the figure for the previous period.
- 4.19 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 examination of any scheme shall state whether in his opinion 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.

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

Schemes maintained

- 5.3 At the end of the period of this report there were 19 members' superannuation schemes maintained by 12 trade unions. They are listed in Appendix 6 and are mostly small schemes with only five 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.
- 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; seven schemes are currently exempt.

Reports: Period 1 April 2000 to 31 March 2001

- 5.5 Three reports from the Graphical Paper and Media Union were due on 31 March 2001 period but have not been received. A further report from the Graphical Paper and Media Union (NGA Manchester Graphical Society) outstanding since 1999 was received on 8 August 2000. The scheme formally closed in 1994.
- 5.6 All reports received are sent to the Government Actuaries Department (GAD) 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 2000 to 31 March 2001. Appendix 7 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 9 for 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; also, 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 guidance booklet (see para 6.8 of this chapter).

- 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; and, 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, he 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 (EAT) 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 9 for 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. 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 2000 to 31 March 2001

- 6.9 During the above period ten transfers of engagements involving trade unions took place using the procedures laid down by the Act. Details are given in Appendix 7.
- 6.10 The ten mergers of trade unions which took place during the period 1 April to 31 March involved a total of 19,334 members. The largest merger registered during this period involving 9,124 members, was the transfer of engagements of Northern Carpet Trades Union to the Transport and General Workers Union. The transfer took effect on 2 May 2000. At the end of the year one transfer of engagements of trade unions and two amalgamations were in progress.
- 6.11 During the period 1 April 2000 to 31 March 2001 the Certification Officer received no complaints relating to mergers under the 1992 Act.

Changes of name

- 6.12 Section 107 of the 1992 Act stipulates 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 9 for statutory fee). During the period 1 April 2000 to 31 March 2001 approval was given to the changes of name of four trade unions and one employers' association as shown below.

Trade Unions*Effective Date**From* Woolwich Independent Staff Association*To* WISA - The Union for Woolwich Staff 3.8.00*From* Guinness Brewing Staff Association (UK)*To* Guinness Staff Association 14.9.00*From* CGU Staff Association*To* CGNU Staff Association 23.12.00*From* Union for Bradford and Bingley Staff*To* UBAC 23.1.01**Employers' Associations***From* Eastern and Essex and Hertfordshire Regional Employers Organisation (Local Authorities)*To* East of England Local Government Conference 8.2.01

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 2000 to 31 March 2001.

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 the objects of the organisation. In which case it must adopt political fund rules providing for 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 for remedying 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 decision 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 pass a political fund resolution again by 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. 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 application for formal approval of the political fund rules has not been received. The Society's representatives have revived contact with the Certification Officer.

Organisations with new political fund rules approved for the first time during 2000-2001

- 7.10 No trade union had political fund rules approved for the first time during the period.
- 7.11 During the reporting period UNIFI held a ballot of its members on a resolution to establish a political fund. The Certification Officer was notified on 27 October 2000 that the members of UNIFI had voted against the resolution.

Amalgamations of unions already holding a political fund

- 7.12 Where two or more trade unions, each with a political fund in force, amalgamate, the amalgamated union will be treated under the provisions of section 97 of the 1992 Act as having passed a political fund resolution, provided that the rules of the union in force immediately after the amalgamation include political fund rules. The review ballot cycle (see paragraph 7.7) of such a newly constituted union will count from the earliest of the political fund review dates of the amalgamating unions involved. During the reporting period there were no such amalgamations registered.

Political fund resolutions in force

- 7.13 The number of political fund resolutions in force at 31 March 2001 was 35. The trade unions concerned are indicated in Appendix 1 and 1a. During the period one union held a review ballot as required by section 73(3) and (4) of the Act. The union concerned and the percentage of those members who voted and who favoured retaining the political fund is as

follows:-

Association of University Teachers	76.9%
(Ballot closed 30 June 2000)	

- 7.14 As a result of a transfer of engagements to the Iron and Steel Trades Confederation, the political fund of the Power Loom Carpet Weavers and Textile Workers Union lapsed on 17 August 2000.

Political funds of trade unions at 31 March 2001

- 7.15 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 1999. The latest available information is given in Appendix 8 which is derived from returns made by trade unions maintaining political funds.
- 7.16 Annual returns received during the period 1 April 2000 and 31 March 2001 show total income of political funds as £15.8 million compared with £16.0 million reported in the 1999-2000 Report and expenditure of £17.0 million as compared with £12.4 million. Total funds were shown as £14.2 million from those returns received during the reporting period, compared with £15.8 million reported in the 1999-2000 Report.

Political fund membership

- 7.17 Appendix 8 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 4,498,499 compared with 4,618,587 in the 1999-2000 Report.

Exemption notices

- 7.18 Exemption notices (see paragraph 7.3) are obtainable from the organisation concerned or from the Certification Office. The Office supplied ten such notices during the period 1 April 2000 to 31 March 2001.

Amendments to rules

- 7.19 Amendments to political fund rules require the Certification Officer's approval. Such

approval is given provided that the amendments have been adopted in accordance with, and satisfy the requirements of, the 1992 Act. Three trade unions had amendments approved in this way during the period 1 April 2000 to 31 March 2001.

7.20 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 given in section 72(1) of the 1992 Act, or the proposed amendments include an amendment to the political objects. Unions must also amend any references to the 1913 Act in the political fund rules. These changes are designed to ensure that members have ready access to the rules currently governing the use of political funds. There is now just one union which continues to refer to the 1913 Act and the Certification Officer is in touch with the union concerned.

7.21 At the 31 March 2001, enquiries continue with one trade union, and its auditors, concerning an instance where the trade union holding a political fund may have altered aspects of its political fund rules but had not sought the Certification Officer's approval of the amendment as required by section 71 of the Trade Union and Labour Relation (Consolidation) Act 1992.

Political fund complaints

7.22 During the period 1 April 2000 to 31 March 2001 no complaints were made to the Certification Officer under section 82(2) of the 1992 Act concerning union political funds. The one outstanding case, as at 31 March 2000, was concluded on 25 October 2000 when the Certification Officer declined to make a declaration in respect of the complaint in which it was alleged that UNISON was in breach of its political fund rules in providing legal support to a member involved in a High Court case (Decision CO/1913/19 (Political Fund Rules)).

7.23 Copies of decisions are available from the Certification Office free of charge.

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 reasons for his decision whether to grant a declaration or not in writing and such reasons may be accompanied by written observations on any matter arising from, or connected with, the proceedings.
- 8.3 The Employment Relations Act 1999 amended the 1992 Act by extending the Certification Officer's powers in a number of ways. The 1992 Act now 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 Act also requires the Certification Officer to give applicants 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 Act requires the Certification Officer to make provision about the disclosure, and restriction of disclosure, of the identity of an individual who has made, or is proposing to make any application or complaint. The Act requires that if the application or complaint relates to a trade union, the individual's identity is disclosed to the union unless the Certification Officer thinks the circumstances are such that it should not be disclosed.
- 8.6 Article 6 of the European Convention on Human Rights confers the right to a fair and public hearing in all cases where a public authority determines the legal position of a private party. From the coming into force of the Human Rights Act 1998 (on 1 October 2000) it has been unlawful for the Certification Officer to act in a way which is contrary to the Convention.
- 8.7 The Certification Officer has therefore made provisions under section 256 of the 1992 Act. Essentially these mean that the Certification Officer will not (in general) disclose the identity of an individual who proposes to make an application or complaint unless or until the application or complaint is made. Where an application or complaint is made, the Certification Officer will 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 justify non disclosure and generally, now, an individual's name is made known to the trade union about which an application or complaint is made.

- 8.8 Where a hearing is held, in certain circumstances, expenses incurred by applicants (and their witnesses) attending the hearings can be reimbursed by the Office.
- 8.9 The Employment Relations Act 1999 also amended the 1992 Act by providing that 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.
- 8.10 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.
- 8.11 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, 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

- 8.12 The Certification Officer issued eleven decisions during the period 1 April 2000 to 31 March 2001. At the 31 March 2001 one application against a trade union remains outstanding.
- 8.13 Of the eleven decisions issued in the period 1 April 2000 to 31 March 2001 the following are noteworthy:-
- Application made by a member of the Broadcasting, Entertainment Cinematograph and Theatre Union (BECTU) that the election of the union's President from and by the National Executive Committee had breached the requirements of the 1992 Act. The Certification Officer declared that the union had breached the requirements of the Act and issued an enforcement order requiring the union, by 31 May 2001, to secure that rule changes have

been put in place to ensure the union's President is elected in accordance with the requirements of the Act and further to secure that the post of President (of the union) is filled under the new arrangements by 31 May 2002 (Decision D/23-24/00).

As at 31 March 2001 this decision is the subject of an appeal to the Employment Appeals Tribunal (EAT). The hearing is listed for 10 April 2001.

- An application was received from a member of the Fire Brigades Union that the election process adopted by the union in an election for a seat on the union's executive council was, although conducted in accordance with the rules of the union, not a fully postal ballot as required by the 1992 Act. The Certification Officer investigated the complaint without disclosing the applicant's name and, in upholding the complaint, decided that the union had failed to comply with the Act in respect of the election in failing to conduct a postal ballot. (Decision D/10/00).
- On 27 March 2000 the Certification Officer had decided that a member of the Musicians' Union had been unreasonably excluded from standing as a candidate in the union's election for the post of General Secretary of the union (see Certification Officer's Annual Report 1999 - 2000 Chapter 8 para 8.10). In respect of two other complaints arising out of the same originating application the Certification Officer decided, on 1 June 2000, that the union had failed before the election was held, to appoint a qualified independent person (the scrutineer) to carry out the functions in relation to the election as required by the 1992 Act. The other complaint against the union was dismissed. (Decision D/13 -14/00 (see also Decision D/2 -3/00)).

8.14 In respect of the enforcement order issued on 27 March 2000 to the Musicians' Union, (ordering the union to hold a fresh election for the post of General Secretary which had to comply with the requirements of the Trade Union and Labour Relations (Consolidation) Act 1992, and that the union must publish the result before 1 January 2001) (see Certification Officer's Annual Report 1999 - 2000 Chapter 8 para 8.10), the Musicians' Union notified the Certification Officer on 14 December 2000 that the election had been re-run and the result notified to the members in compliance with the enforcement order.

8.15 Copies of all decisions are available free of charge from the Certification Office.

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 The Employment Relations Act 1999 amended the 1992 Act in a number of ways. Section 28 of the Employment Relations Act abolished the Office of the Commissioner for the Rights of Trade Union Members and Schedule 6 to that Act extended the Certification Officer's powers to deal with a range of additional complaints that had previously been presented to the court with assistance from the Commissioner.

9.2 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 (as inserted by Schedule 6 to the 1999 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.”

- 9.3 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.
- 9.4 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.
- 9.5 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. Should a hearing be held, in certain circumstances, expenses incurred by applicants (and their witnesses) attending the hearings can be reimbursed by the Office.
- 9.6 The Certification Officer must give reasons for his decision in writing and where he makes the declaration sought is required, unless he considers that to do so would be inappropriate, to make an enforcement order imposing on the union one or more of the following requirements -
- to take such steps to remedy the breach, or withdraw the threat of a breach, as may be specified in the order;
 - 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.

- 9.7 An enforcement order made by the Certification Officer may be enforced in the same way as an order of the court.

- 9.8 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

- 9.9 The Certification Officer issued forty-eight decisions during the period 1 April 2000 to 31 March 2001. At 31 March 2001, applications against six trade unions remain outstanding.
- 9.10 A feature of breach of trade union rule complaints has been 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.
- 9.11 Of the forty-eight decisions issued in the year the following are noteworthy.
- Applications made by three members of the British Actors Equity Association (Equity) that the union had breached its rules relating to the holding of ballots on proposed rule changes and in refusing a petition for the holding of a Special General meeting. In upholding one complaint the Certification Officer decided that the union had breached its rules in refusing a petition from the members for the holding of a Special General meeting. For reasons set out in the decision, the Certification Officer considered it inappropriate to make an enforcement order in respect of the breach. The other two complaints were dismissed. (Decisions D/15 - 17/00)
 - In a decision dated 31 August 2000 the Certification Officer declared that UNISON had breached its rule by allowing a member of the union's executive to remain in Office when she no longer met the requirements of the seat. By the time the complaint was determined the individual concerned was no longer a member of the union's executive and the Certification Officer decided that any mischief caused, by the breach, was a matter of history. For that reason the Certification Officer declined to make an enforcement order. (Decision D/19/00)

- In deciding that the Certification Officer did not have jurisdiction to determine applications of breach of rule made against UNISON, the Certification Officer decided that decisions of the union's Standing Orders Committee were not "*.... proceedings of any executive committee or of any decision-making meeting*" as defined in sections 108A (10), (11) and (12) of the 1992 Act. (Decision D/4 - 5/01)
- In a series of alleged breaches of both the National and Branch rules of the Communication Workers Union, the Certification Officer dismissed all eleven complaints made by two members. (Decision D/6 -16/01)
- In dismissing a complaint made by a member of the Prison Officers Association, the Certification Officer decided that the union's National Executive Committee had not broken its rules in overriding a Conference decision. In the decision the Certification Officer made comment on how he believed union rules should be interpreted. (Decision D/20/01)
- In a series of complaints made by six members of the Associated Society of Locomotive Engineers and Firemen (ASLEF) (three of whom were suspended members of the union's eight strong executive) the Certification Officer upheld three complaints against the union. A further twelve complaints were dismissed. The Certification Officer declined to make an enforcement order in respect of the three breaches of rule which followed internal rancour within the union's executive and where the union's actions had been endorsed by its Annual Assembly of Delegates. (Decisions D/21 - 35/01)
- The Certification Officer upheld a complaint against the Manufacturing Science and Finance Union (MSF) that the union had breached its rules relating to the disciplining of a member. In issuing an enforcement order, the Certification Officer ordered the union to lift all suspensions in force against the member until such time as the union's Appeal Court had considered the suspensions. The union were given two months in which to convene the

Appeal Court. Four other complaints made by the member against the union were dismissed. (Decisions D/38 - 42/01)

9.12 Copies of all decisions are available free of charge from the Certification Office.

9.13 In the period 1 April 2000 to 31 March 2001, a total of 410 enquiries were received.

General advice on the role of the Certification Officer	47
Appointment, election or dismissal from any office in the union	46
Disciplinary proceedings within the union	73
Balloting of union members (other than industrial action)	19
Constitution or proceedings of a unions executive committee or certain other bodies	51
Inadequate representation of members by their union ¹	146
Union benefits or membership issues ¹	2
Others	26
Total	410

9.14 This represents an increase of over 25% in the monthly rate of enquiries compared with last year. Not all of these enquiries related to matters within the Certification Officer's jurisdiction under section 108A but considering just those that did, and therefore might give rise to complaints to be determined, the increase was over 65%.

Appendix 1

(see paragraph 1.8)

List of Trade Unions at 31 March 2001

Notes:

Trade unions first entered in the list during the period 1 April 2000 and 31 March 2001 are shown in italics.

* Denotes a trade union holding a certificate of independence at 31 March 2001.

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 2001.

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

England and Wales

Alliance for Finance

*Alliance and Leicester Group Union of Staff

*Amalgamated Engineering and Electrical Union (P)

*Ambulance Service Union

*ANSA

*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 First Division Civil Servants

*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 Theatre Personnel Nationwide
- *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
- *Britannic Field Staff Association
- *British Actors Equity Association incorporating the Variety Artistes Federation
- *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)

- Caerphilly Public Employee Union
- *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
Civil and Public Services Union (1998)
*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

*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
*Engineers and Managers Association
Expression Union

*Federation of Professional Railway Staff
*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 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)
*Institution of Professionals Managers and Specialists (P)
*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

*Manufacturing Science and Finance Union (P)
*Midland Area Association of Colliery Officials (P)
*Military and Orchestral Musical Instrument Makers Trade Society
*Musicians Union (P)

*National Association of Colliery Overmen Deputies and Shotfirers (P)
National Association of Colliery Overmen Deputies and Shotfirers (Northumberland Area)
*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 Probation Officers
*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 Club Stewards

*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

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
- *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
- 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

* Prison Staff Association

*Scottish Carpet Workers Union

*Scottish Further and Higher Education Association

*Scottish Secondary Teachers Association

Appendix 1a

(see paragraph 1.12)

Unlisted Trade Unions at 31 March 2001

(P) Denotes a trade union with a political fund resolution in force at 31 March 2001.

England and Wales

Anchor Group Staff Association

Association of Chiropodists and Podiatrists

Association of Flight Attendants (Council 07)‡

Basketball Players Association

CGU Managers Association

Confederation of Shipbuilding and Engineering Unions

Federation of Entertainment Unions

Friends Provident Line Managers Association

Ice Hockey Players Association

International Federation of Actors

International Transport Workers Federation

Joint Committee of Light Metal Trades Union (1992)

Leeds and Holbeck Building Society Staff Association

Leicester Housing Association Staff Association

National Fire & Flood Union

National Union of Mineworkers (North East Area)

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

‡A branch of an independent American trade union.

NFU Staff Association

Society of Local Council Clerks

Society of Registration Officers (Births, Deaths and Marriages)

Trades Union Congress

Scotland

National Union of Mineworkers - Scottish Area

Appendix 2

(see paragraph 1.8)

List of Employers' Associations at 31 March 2001

England and Wales

Advertising Film and Videotape Producers Association
Anglian Marine Industries Association
Association of British Orchestras
Association of Circus Proprietors of Great Britain
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 Lock Manufacturers Association
British Metals Federation
British Precast Concrete Federation Limited
British Printing Industries Federation
Builders Merchants Federation

Cinema Exhibitors Association
Construction Confederation
Construction Plant-Hire Association
Co-operative Employers Association

Dairy Industry Federation Limited

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

Employers Federation of Textile Finishers

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

Footwear Distributors Federation

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

Multiwall Sack Manufacturers 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

Welsh Engineers and Founders Association
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 1.12)

Unlisted Employers' Associations at 31 March 2001

England and Wales

Association of Colleges

Association of Master Lightermen and Barge Owners

Association of Post Production Companies

B F M Limited

British Ball Clay Producers Federation Ltd

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 Secondary Metals Association

British Soft Drinks Association Ltd

Chemical Industries Association Ltd

Confederation of British Wool Textiles Limited

Corrugated Packaging Association

Covent Garden Tenants Association Limited

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

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

Made-up Textiles Association Ltd
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
Textile Services Association Ltd
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 of England Wool Textile Employers Association
West Midlands Local Government Association

Scotland

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

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

Central Counties Plumbing and Mechanical Association
Civil Engineering Contractors Association (Scotland)
Clydesdale Wrights and Builders Employers Association

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

Moray Banff and Nairn Building Trades Employers Association

National Farmers Union of Scotland

National Metal Trades Federation

Orkney Building Employers Association

Perth and District Building Trades Employers Association

Perth and District Master Plumbers Association

Renfrewshire Master Builders

Scottish Association of Master Bakers

Scottish Association of Meat Wholesalers

Scottish Building Employers Federation

Scottish Knitwear Association

Scottish Master Slaters and Roof Tilers Association

Scottish Master Wrights and Builders Association

Tayside Association of Construction Employers

Western Isles Building Employers Association

Wholesale Grocers Association for Scotland

Appendix 3

(see paragraph 2.8)

Decisions on Trade Union Independence during the period 1 April 2000 to 31 March 2001

Certificates of independence issued

Ambulance Service Union

Professional Association of Cabin Crew Employees

Certificates of independence refused

None

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

Associated Metalworkers Union

AXIS The AXA Sun Life Staff Association

British Aerospace Senior Staff Association

Managerial and Professional Officers Union

Northern Carpet Trades Union

Power Loom Carpet Weavers and Textile Workers Union

Scottish Prison Officers Association

Society of Chief Officers of Probation

Certificates cancelled because the union was dissolved

Association of Public Service Finance Officers

National Union of Mineworkers (Power Group Area)

Scottish Union of Power Loom Technicians

Appendix 4

Summary of Statistics - Trade Unions, returns received during 2000 - 2001

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 1999, the table includes returns from trade unions with year ending dates ranging from October 1999 to September 2000 and therefore due in this Office between 1 April 2000 and 31 March 2001.*

Notes

- (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) This figure has been changed from last year's report due to later information
- (f) Incorrect figures were recorded in the Certification Officer's Annual Report 1999 - 2000 relating to the gross income from investments and other income of the Manufacturing Science and Finance Union. These figures should have read 119,000 and 291,000 respectively
- (g) Figures published in last year's report were derived from the union's return for the twelve month period ending 30 September 1998. The figures shown overleaf were derived from the union's return for the twelve month period ending 30 September 2000.

Summary of Statistics - Trade Unions, 1999-2000

(see paragraph 4.3)

Appendix 4

	Number of Members (a) (1)	GROSS INCOME				GROSS EXPENDITURE	TOTAL FUNDS		GROSS ASSETS				Total Liabilities £000s (13)
		From Members (b) (2)	From Investments (c) (3)	Other Income (d) (4)	Total Income (e) (5)	Total expenditure (f) (6)	Beginning of the Year (g) (7)	End of the Year (h) (8)	Fixed Assets (i) (9)	Investments (j) (10)	Other Assets (k) (11)	Total Assets (l) (12)	
		£000s (2)	£000s (3)	£000s (4)	£000s (5)	£000s (6)	£000s (7)	£000s (8)	£000s (9)	£000s (10)	£000s (11)	£000s (12)	
UNISON: The Public Service Union	1,272,350	107,464	1,927	642	110,033	111,003	86,133	85,163	23,546	8,089	62,684	94,319	9,156
Transport and General Workers Union	871,512	68,196	2,753	1,227	72,176	70,270	85,838 (e)	87,744	54,266	31,424	9,641	95,331	7,587
Amalgamated Engineering and Electrical Union	727,369	37,128	5,841	3,810	46,779	42,043	54,978 (e)	59,714	12,965	47,865	11,178	72,008	12,295
GMB	694,174	42,023	1,190	3,175	46,388	46,286	51,503	51,605	26,258	19,807	10,310	56,375	4,770
Manufacturing Science and Finance Union (f)	404,741	25,486	143	1,126	26,755	26,243	13,080 (e)	13,592	15,451	1,757	3,119	20,327	6,735
Royal College of Nursing of the United Kingdom	326,610	13,473	0	44	13,517	13,517	0	0	0	0	6,969	6,969	6,969
Union of Shop Distributive and Allied Workers	309,811	17,733	1,503	1,194	20,430	19,866	21,815 (e)	22,379	3,905	17,602	1,376	22,882	503
National Union of Teachers	294,672	16,581	729	1,409	18,720	18,217	10,945	11,448	4,138	4,275	6,465	14,878	3,430
Communication Workers Union	281,472	25,969	444	2,139	28,551	28,266	24,579	24,864	13,285	8,612	8,695	30,592	5,728
Public and Commercial Services Union	258,278	19,830	2,800	2,676	25,306	22,880	28,322	30,747	10,492	14,890	4,262	29,644	(1,103)
National Association of Schoolmasters and Union of Women Teachers	252,021	11,915	661	2,494	15,070	14,297	20,107	20,880	8,904	10,609	2,571	22,084	1,204
Graphical Paper and Media Union (g)	200,676	16,558	2,539	6,764	25,861	26,493	38,853	38,221	6,115	12,903	22,162	41,180	2,959
Association of Teachers and Lecturers	183,144	9,397	508	202	10,107	9,712	7,014	7,409	3,882	652	4,621	9,155	1,746
UNIFI	171,249	6,314	542	133	6,990	10,167	7,644	4,466	4,006	3,731	676	8,412	3,946
Union of Construction Allied Trades and Technicians	122,579	4,511	81	252	4,844	4,098	1,594	2,340	1,562	19	1,820	3,401	1,061
British Medical Association	110,206	22,113	5,084	36,059	63,256	59,809	50,884	54,331	6,357	42,620	26,550	75,527	21,196
Total for above unions with 100,000 members or more	6,480,864	444,691	26,746	63,345	534,782	523,168	503,289	514,902	195,131	224,856	183,098	603,085	88,183
Total for 202 other listed unions with less than 100,000 members	1,362,584	117,712	13,881	44,274	175,866	158,290	240,055	257,632	80,589	145,051	79,856	305,497	47,865
Total for listed unions	7,843,448	562,403	40,626	107,619	710,648	681,458	743,344	772,534	275,720	369,907	262,955	908,582	136,048
Trades Union Congress		11,554	1,333	2,308	15,195	14,145	5,762	6,811	3,946	6,142	1,279	11,366	4,555
Total for 18 other unlisted unions which have submitted returns	54,071	19,289	4,153	4,846	28,288	26,575	58,070	59,783	5,710	23,217	52,057	80,983	21,200
Total for all unions 1999-2000	7,897,519	593,246	46,112	114,773	754,131	722,178	807,176	839,128	285,376	399,266	316,291	1,000,931	161,803
Total for all unions 1998	7,851,904	588,327	46,590	102,874	737,792	703,756	777,470	811,506	272,453	376,989	329,041	978,484	166,979

Notes - see previous page

Appendix 4(a)

(see paragraph 4.13)

Salary and Benefits of Trade Union Chief Executives

England and Wales

	<i>Title</i> (General Secretary unless stated)	£ <i>Salary</i>	£ <i>Benefits</i> (a)
Amalgamated Engineering and Electrical Union		66,199	30,967
ANSA		2,331	2,714
Associated Metalworkers Union		38,266	2,708
Associated Society of Locomotive Engineers and Firemen		52,642	5,857
Association for College Management		61,246	3,066
Association of Educational Psychologists		38,296	4,712
Association of First Division Civil Servants		55,371	11,185
Association of Local Authority Chief Executives		-	2,500(b)
Association of Magisterial Officers		43,420	6,535
Association of Professional Music Therapists in Great Britain	Chairperson	-	1,440
Association of Teachers and Lecturers		86,197	23,735
Association of University Teachers		65,951	11,871
Bakers Food and Allied Workers Union		30,475	7,756
Boots Pharmacists Association (BPA)		5,000	-
Britannic Field Staff Association		26,495	6,717
Britannic Supervisory Union		-	1,500
British Actors Equity Association incorporating the Variety Artistes Federation		49,701	6,439
British Air Line Pilots Association		76,422	22,927
British Association of Advisers and Lecturers in Physical Education		12,088	-
British Association of Colliery Management		48,880	4,958
British Association of Dental Nurses		16,987	1,431
British Association of Journalists		9,248	543
British Dental Association	Chief Executive	88,058	5,312
British Medical Association		120,170	19,332
British Union of Social Work Employees		5,724	802
Broadcasting Entertainment Cinematograph and Theatre Union		42,301	8,503
Ceramic and Allied Trades Union		31,506	16,789
CGNU Staff Association		56,793	7,344
Chartered Society of Physiotherapy	Chief Executive	68,658	11,313
Church and Oswaldtwistle Power Loom Overlookers Society		100	-
Communication Workers Union		66,105	24,337
Community and Youth Workers Union		31,643	2,307
Confederation of Shipbuilding and Engineering Unions		49,671	15,398
Connect; The Union for Professionals in Communications		62,558	49,552(c)
Corporation of London Staff Association		21,000(d)	-
Engineering and Fasteners Trade Union		200	-
Engineers and Managers Association		68,947	17,566
Fire Brigades Union		48,317	19,487
Fire Officers Association		26,607	3,163
General Dental Practitioners Association		25,235	-
General Federation of Trade Unions		41,364	15,671
General Union of Loom Overlookers		21,788	-
Girobank Senior Managers Staff Association	Chairman	-	200
GMB		64,000	21,000
Graphical Paper and Media Union		55,041	12,328
Guild of Professional Teachers of Dancing		6,000	-
Headmasters and Headmistresses Conference		58,288	17,841
Hospital Consultants and Specialists Association	Administrative Director	38,072	5,711
Hyde and District Textile (Technicians and Operatives) Association		399	-
Immigration Service Union		-	650
Independent Union of Halifax Staff		69,713	11,019
Institute of Football Management and Administration		8,500	-
Institute of Journalists (Trade Union)		22,460	-
Institution of Professionals Managers and Specialists		73,213	17,278
International Federation of Actors		46,958	7,706
International Transport Workers Federation		63,109	16,184
Irish Bank Officials Association		76,841(IR£)	60,338(IR£)(e)

Iron and Steel Trades Confederation		52,192	5,953
Lecturers Employment Advice and Action Fellowship		400	-
Lloyds TSB Group Union		60,539	26,905
Managerial and Professional Officers Union	Chief Executive	41,200	3,633
Manufacturing Science and Finance Union		72,343	11,394
Midland Area Association of Colliery Officials		24,448(f)	32,483(g)
Musicians Union		56,704	17,787
National Association of Colliery Overmen Deputies and Shotfirers (Northumberland Area)		15,656	-
National Association of Colliery Overmen Deputies and Shotfirers (South Wales Area)		25,235	18,000
National Association of Colliery Overmen Deputies and Shotfirers (Yorkshire Area)	President	35,155	-
National Association of Co-operative Officials		52,570	14,071
National Association of Educational Inspectors Advisers and Consultants		28,773	-
National Association of Head Teachers		81,416	13,642
National Association of NFU Group Secretaries		-	4,155
National Association of Probation Officers		41,475	8,692
National Association of Schoolmasters and the Union of Women Teachers		66,376	19,556
National Association of Teachers in Further and Higher Education		43,214	7,865
National Federation of Sub-Postmasters		56,394	17,420
National League of the Blind and Disabled		26,940	4,595
National Society for Education in Art and Design		38,953	-
National Union of Domestic Appliances and General Operatives		22,861	6,544
National Union of Flint Glassworkers		1,750	-
National Union of Insurance Workers		41,486	15,245
National Union of Journalists		45,936	2,882
National Union of Knitwear Footwear and Apparel Trades		37,750	15,461
National Union of Lock and Metal Workers		25,247	9,624
National Union of Marine Aviation and Shipping Transport Officers		55,991	9,499
National Union of Mineworkers	President	66,007	1,398
National Union of Mineworkers (Cokemens Area)		41,477	757
National Union of Mineworkers (Colliery Officials and Staffs Area) (Region No. 4)		16,070	5,756
National Union of Mineworkers (Derbyshire Area)		41,317	5,680
National Union of Mineworkers (Durham Area)		6,653	-
National Union of Mineworkers (Leicester Area)		25,771	1,861
National Union of Mineworkers (North Wales Area)		17,496	4,704
National Union of Mineworkers (Northumberland Area)		36,727	13,911
National Union of Mineworkers (South Wales Area)		32,872	7,912
National Union of Rail Maritime and Transport Workers		55,193	16,581
National Union of Teachers		79,004	8,692
Nationwide Group Staff Union		58,520	8,415
Northern Carpet Trades Union		23,223	10,032
Pattern Weavers Society		40	-
Power Loom Carpet Weavers and Textile Workers Union		14,811(h)	2,130
Prison Officers Association		46,656	20,292
Professional Association of Teachers		50,276	3,795
Professional Cricketers Association	Chief Executive	40,000	9,106
Professional Footballers Association		319,671	138,699
Professional Rugby Players Association		6,000	-
Public and Commercial Services Union	Joint General Secretaries	58,440	5,844
		55,214	200
Retail Book Stationery and Allied Trades Employees Association	President	29,204	2,000
Retained Firefighters Union		28,774	2,397
Retired Officers Association		1,600	498
Royal College of Midwives		73,738	15,666
Royal College of Nursing of the United Kingdom		88,505(i)	2,164
Secondary Heads Association		57,604	4,301
Society of Authors Limited		67,950	17,950
Society of Chiropodists and Podiatrists		41,983	3,337
Society of Local Council Clerks		5,000	-
Society of Radiographers		27,447	3,926
Society of Registration Officers (Births, Deaths and Marriages)		450	-
Stable Lads Association		15,000	-
Trades Union Congress		62,852	10,043
Transport and General Workers Union		63,565	9,616
Transport Salaried Staffs Association		43,677	-
UBAC		35,091	6,731
Undeb Cenedlaethol Athrawon Cymru (National Association of Teachers of Wales)		22,629	1,729
UNIFI	Joint General Secretaries	27,480(j)	5,750
		37,850(j)	9,870
Union of Construction Allied Trades and Technicians		36,665	7,694
Union of Democratic Mineworkers (National)		11,856	-
Union of Finance Staff		62,937	12,149
Union of Shop Distributive and Allied Workers		62,611	14,765

Union of Textile Workers	21,310	6,888
UNISON - The Public Service Union	71,837	22,277
United Friendly Agents Association	15,352	-
United Road Transport Union	41,694	9,660
WISA - The Union for Woolwich Staff	34,436	7,563
Writers Guild of Great Britain	52,737	3,078

Scotland

Association of Head Teachers in Scotland	12,000	-
Educational Institute of Scotland	60,746	9,161
Independent Federation of Nursing in Scotland	5,000	-
National Union of Mineworkers (Scotland Area)	3,360	-
Offshore Industry Liaison Committee	24,515	-
Scottish Carpet Workers Union	19,071	2,021
Scottish Further and Higher Education Association	26,850	-
Scottish Prison Officers Association	34,414	8,794
Scottish Secondary Teachers Association	52,926	8,798

Notes:

- (a) Employers pension contributions make up a significant, if not major proportion of benefits paid.
- (b) Honorarium.
- (c) Includes pension contributions and assurance premiums.
- (d) Payments in respect of period 1 April 1999 to 3 November 1999.
- (e) Includes substantial and exceptional payments into a pension fund.
- (f) Total paid in respect of two people and is not the sum paid to one individual.
- (g) Includes termination payments.
- (h) Payments in respect of period 1 January 2000 to 17 August 2000.
- (i) These figures include payments made in respect of General Secretary's role in the associated charitable trust.
- (j) Payments in respect of period 18 May 1999 to 31 December 1999

Appendix 5

Summary of Statistics - Employers' Associations, returns received during 2000 - 2001

Appendix 5 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. *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 1999, the table includes returns from employers' associations with year ending dates ranging from October 1999 to September 2000 and therefore due in this Office between 1 April 2000 and 31 March 2001.*

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) This figure has been changed from last year's report due to later information.

Summary of Statistics - Employers' Associations, 1999-2000

Appendix 5

(see paragraph 4.15)

	GROSS INCOME				GROSS EXPENDITURE (b) £000s (5)	TOTAL FUNDS		GROSS ASSETS				Total Liabilities £000s (12)	Number of Members (13)
	From Members	From Investments (a)	Other Income	Total Income (b)		Beginning of the Year	End of the Year	Fixed Assets	Investment Assets (c)	Other Assets	Total Assets		
	£000s (1)	£000s (2)	£000s (3)	£000s (4)		£000s (6)	£000s (7)	£000s (8)	£000s (9)	£000s (10)	£000s (11)		
Employers' Associations with over £2,000,000 total income:-													
Engineering Employers Federation	2,512	3,218	1,995	7,726	5,582	23,766	25,910	2,069	23,674	1,310	27,053	1,144	16
EEF West Midlands Association	1,666	326	5,251	7,243	6,874	4,920	5,289	4,428	1,606	2,847	8,881	3,592	1,105
EEF South	1,259	186	1,135	2,580	2,537	2,231 (d)	2,274	1,387	1,160	480	3,026	753	595
Engineering Construction Industry Association	1,729	150	356	2,235	1,963	1,933	2,206	65	408	2,510	2,983	777	283
Engineering Employers Western Association	968	69	1,110	2,147	2,096	415	465	250	402	673	1,325	860	419
EEF Lancashire	334	-	1,769	2,104	2,124	983	963	584	-	764	1,348	385	284
8 Other Engineering Employers' Associations in Great Britain	3,985	208	3,706	7,899	7,527	3,707	4,079	2,684	1,884	2,656	7,223	3,144	2,648
England and Wales Cricket Board Limited	-	-	84,162	84,162	84,172	141	131	404	-	4,736	5,140	5,009	39
National Farmers Union	22,132	2,418	1,633	26,183	24,955	50,356 (d)	51,583	28,192	31,692	8,922	68,805	17,222	129,440
*Freight Transport Association Limited	2,930	70	12,169	15,170	15,308	4,592	4,454	4,202	-	4,262	8,464	4,010	11,045
Electrical Contractors Association	2,445	5,775	4,669	12,890	11,494	37,237	38,632	3,108	45,325	7,034	55,467	16,835	1,970
Heating and Ventilating Contractors Association	2,018	5,579	297	7,893	8,034	4,056	3,916	767	1,404	5,342	7,513	3,597	1,331
British Printing Industries Federation	3,823	321	3,180	7,324	8,282	1,698	740	686	1,560	1,470	3,716	2,976	2,460
*Chemical Industries Association Limited	4,591	120	1,029	5,740	5,578	192	353	88	750	703	1,541	1,187	173
*Road Haulage Association Limited	2,096	40	2,929	5,065	5,649	4,055 (d)	3,470	2,934	20	1,570	4,524	1,053	9,705
National Federation of Retail Newsagents	4,639	148	20	4,807	4,706	3,747	3,848	2,025	1,904	1,863	5,793	1,945	22,718
Retail Motor Industry Federation Limited	3,369	95	501	3,965	3,799	3,667	3,833	3,213	-	6,130	9,343	5,510	10,239
Construction Confederation	1,559	87	2,304	3,950	3,990	5,815	5,775	4,833	485	2,184	7,502	1,727	8
National Pharmaceutical Association Limited	2,432	177	1,208	3,816	3,518	2,725	3,024	1,190	1,728	1,928	4,846	1,822	5,278
*Association of Colleges	3,541	102	-	3,643	3,905	1,513 (d)	1,251	287	-	4,501	4,788	3,537	478
Federation of Master Builders	3,050	68	435	3,552	3,486	2,421	2,488	3,102	300	794	4,195	1,708	14,280
Newspaper Society	2,477	199	763	3,439	3,387	1,907	1,959	190	1,079	1,923	3,192	1,233	164
*Society of London Theatre 'SOLT'	393	95	2,524	3,012	3,023	200	188	2,382	-	3,911	6,293	6,105	104
British Clothing Industry Association Limited	313	33	2,634	2,980	915	5,028	7,092	4,523	2,224	778	7,525	433	142
Paper Federation of Great Britain Ltd	1,371	7	1,131	2,510	2,785	1,175	899	1,344	-	759	2,103	1,204	58
Builders Merchants Federation	809	1,302	11	2,121	2,115	603	610	337	-	730	1,067	457	228
Producers Alliance for Cinema and Television Ltd	2,009	21	43	2,073	2,034	1,433 (d)	1,472	64	632	1,151	1,847	375	1,043
*National Farmers Union of Scotland	1,512	227	284	2,024	2,145	849	728	186	810	336	1,332	604	11,716
Total for above Employers' Associations	79,962	21,041	137,248	238,251	231,983	171,364	177,632	75,524	119,047	72,264	266,835	89,204	227,969
Total for 70 other listed Employers' Associations	15,076	2,415	7,470	24,961	23,786	19,142	20,317	9,204	5,961	13,603	28,768	8,451	28,701
Total for 89 other unlisted Employers' Associations	11,726	968	5,014	17,708	17,937	20,615	20,386	5,398	12,444	11,355	29,196	8,810	11,898
Total for all Employers' Associations 1999-2000	106,763	24,425	149,732	280,920	273,707	211,121	218,335	90,127	137,452	97,221	324,800	106,465	268,568
Total for all Employers' Associations 1998	104,306	17,399	127,114	248,819	242,140	200,227	206,906	85,095	116,983	117,689	319,766	112,860	275,159

*Unlisted Employers' Associations
Notes - see previous page

Appendix 6

(see paragraph 5.3)

Trade Unions Maintaining Members' Superannuation Schemes at 31 March 2001

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

Amalgamated Engineering and Electrical Union

*Associated Society of Locomotive Engineers and Firemen

GMB

Graphical Paper and Media Union (5 schemes)

*Iron and Steel Trades Confederation

Manufacturing Science and Finance Union (2 schemes)

National Union of Flint Glass Workers

National Union of Knitwear Footwear and Apparel Trades

*National Union of Mineworkers (2 schemes, both exempt)

*National Union of Mineworkers (North Stafford Federation Midland Area)

*National Union of Rail Maritime and Transport Workers (2 schemes, 1 exempt)

*Transport and General Workers Union

Appendix 7

(see paragraph 6.9)

Mergers completed during the period 1 April 2000 to 31 March 2001

Trade Union Transfers of Engagement

<i>Engagements transferred from</i>	<i>To</i>	<i>Transfer registered on</i>
Society of Chief Officers of Probation	Managerial and Professional Officers Union	3.4.00
Scottish Prison Officers Association	Prison Officers Association	25.4.00
Northern Carpet Trades Union	Transport and General Workers Union	2.5.00
Hambro Staff Association	Nationwide Group Staff Union	14.8.00
Power Loom Carpet Weavers and Textile Workers' Union	Iron and Steel Trades Confederation	17.8.00
British Aerospace Senior Staff Association	Amalgamated Engineering and Electrical Union	29.9.00
Lloyds Register (UK) Staff Association	Manufacturing Science and Finance Union	18.10.00
AXIS The AXA Sun Life Staff Association	UNIFI	23.10.00
Managerial and Professional Officers Union	GMB	31.1.01
Associated Metalworkers Union	Amalgamated and Engineering and Electrical Union	7.3.01

Appendix 8

Political Funds of Trade Unions, 1999-2000

(See Paragraph 7.15)

	Number of Members contributing to the Political Fund	Number of Members exempt from contributing to the Political Fund	POLITICAL FUND (a)			
			Income	Expenditure	Fund at Beginning of Year	Fund at End of Year
	(b) (1)	(b) (2)	£ (3)	£ (4)	£ (5)	£ (6)
Amalgamated Engineering and Electrical Union	419,468	104,865	1,463,000	1,659,000	652,000	456,000
Associated Society of Locomotive Engineers and Firemen	15,237	296	67,790	55,860	65,061	76,991
Association of Her Majesty's Inspectors of Taxes	2,071	79	6,668	-	63,740	70,408
Association of University Teachers	33,717	1,327	33,444	60,912	42,910 (c)	15,442
Bakers Food and Allied Workers Union	28,009	-	64,387	37,977	21,124	47,534
Broadcasting Entertainment Cinematograph and Theatre Union	24,147	71	41,759	67,405	32,209	6,563
Ceramic and Allied Trades Union	15,928	54	85,760	152,747	277,677 (c)	210,690
Communication Workers Union	239,129	27,537	1,270,177	1,164,739	770,462	875,900
Connect; The Union for Professionals in Communications	10,422	6,935	33,177	28,206	13,906	18,877
Educational Institute of Scotland	49,869	1,585	144,262	4,452	437,840 (c)	577,650
Fire Brigades Union	41,647	9,911	202,766	114,009	252,031	340,788
General Union of Loom Overlookers	211	91	450	485	259	224
GMB	663,030	31,144	2,650,000	2,657,000	295,000	288,000
Graphical Paper and Media Union	64,687	58,712	178,732	178,764	229,429 (c)	229,397
Institution of Professionals Managers and Specialists	62,110	1,152	30,927	1,673	130,023	159,277
Iron and Steel Trades Confederation	24,903	6,802	123,905	149,638	71,755	46,022
Manufacturing Science and Finance Union	144,456	260,285	577,000	612,000	696,000	661,000
Midland Area Association of Colliery Officials	329	-	1,489	908	6,988	7,569
Musicians Union	28,440	521	41,894	27,673	19,758	33,979
National Association of Colliery Overmen Deputies and Shotfirers	55	-	384	594	1,002	792

	Number of Members contributing to the Political Fund	Number of Members exempt from contributing to the Political Fund	POLITICAL FUND (a)			
			Income	Expenditure	Fund at Beginning of Year	Fund at End of Year
	(b) (1)	(b) (2)	£ (3)	£ (4)	£ (5)	£ (6)
National Association of Schoolmasters and the Union of Women Teachers	141,462	919	76,162	64,126	1,580	13,616
National Association of Teachers in Further and Higher Education	52,446	2,353	62,969	59,464	11,626	15,131
National League of the Blind and Disabled	876	879	2,424	2,436	6,718	6,706
National Union of Domestic Appliances and General Operatives	2,179	3	1,283	1,225	1,552	1,610
National Union of Insurance Workers	4,014	862	8,617	22,004	76,127	62,740
National Union of Knitwear Footwear and Apparel Trades	26,592	215	94,401	84,540	96,626	106,487
National Union of Mineworkers	4,149	260	72,856	214,159	288,421 (c)	147,118
National Union of Mineworkers North Western Cheshire and Cumbria Miners' Association	16	-	30,000	30,090	489	399
National Union of Rail Maritime and Transport Workers	54,384	653	404,000	194,000	141,000	351,000
Power Loom Carpet Weavers and Textile Workers Union	1,270	-	-	2,062	3,000 (c)	938
Prison Officers Association	29,532	-	53,267	-	26,100	79,367
Transport and General Workers Union	767,341	48,687	2,265,000	2,850,000	4,315,000	3,730,000
Transport Salaried Staffs Association	28,145	3,135	97,554	84,336	57,340	70,558
Union of Construction Allied Trades and Technicians	88,462	18,747	231,000	240,000	59,000	50,000
Union of Democratic Mineworkers	3,230	103	1,950	2,947	7,319 (c)	6,322
Union of Shop Distributive and Allied Workers	289,803	20,008	1,044,471	755,516	938,579	1,227,534
Union of Textile Workers	1,513	5	3,224	-	(5,598)	(2,374)
UNISON: The Public Service Union	1,135,220	58,481	4,366,000	5,465,000	5,370,000	4,271,000
Total for the 38 unions with political funds in this period	4,498,499	666,677	15,833,149	17,045,947	15,474,053	14,261,255
Total for the 38 unions with political funds in the previous period	4,618,587	724,265	16,021,821	12,486,304	12,285,193	15,820,710

Notes:

- (a) The information in the table relates to returns received during 2000-2001.
- (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.

Appendix 9

Current statutory fees applicable from 1 April 2001

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 10

Certification Office Publications

The following Certification Office booklets are available free of charge on request:

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 (1999)*
8. *Annual Reports of the Certification Officer*