

Annual
Report
of the
Certification
Officer

1996

Certification Office for
Trade Unions and Employers' Associations

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CERTIFICATION OFFICE
FOR TRADE UNIONS AND EMPLOYERS' ASSOCIATIONS

**Annual Report
of the Certification Officer
1996**

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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 calendar year. I have pleasure in submitting such a report for 1996.

E G WHYBREW
Certification Officer
6 February 1997

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Introduction

This report deals with my activities during the calendar year 1996. It is the twenty first Annual Report to be published since the post of Certification Officer was established in 1975. My 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; 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, and for ensuring that the statutory requirements concerning the actuarial examination of members' superannuation schemes are observed;

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 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;

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 IX - for reimbursing certain expenditure incurred by independent trade unions in conducting secret postal ballots for specified purposes in accordance with Regulations made by the Secretary of State;

under Part II - for maintaining a list of employers' associations; for ensuring that the statutory requirements concerning accounting records, auditors, annual returns, financial affairs, political funds and the statutory procedures for amalgamations and transfers of engagements in respect of employers' associations are complied with.

These functions are discussed in the following chapters.

There was no lessening during the year in the volume of work arising on complaints by trade union members. I issued sixteen decisions in 1996 following members' complaints concerning trade union elections and a political fund ballot. Despite the phasing out of the ballot refund scheme the number of applications made continued at a high level until shortly before the scheme closed. Work in connection with the reimbursement of ballot costs continued to form a significant part of the Office's functions. A small number of issues continue to arise concerning the financial affairs of certain trade unions and, whilst this work can be lengthy and time consuming, it has still not proved necessary to make use of the full range of powers available.

During the year the Government issued the Green Paper "Industrial Action and Trade Unions" which contains reference to two aspects affecting my role as Certification Officer. In commenting on the Green Paper I took the opportunity to point to some other areas where change or clarification in the legislation particularly relating to trade union elections would be helpful. My comments are reproduced in full in Appendix 12.

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. In December 1996 there were 15 staff in post in the Certification Office. 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.

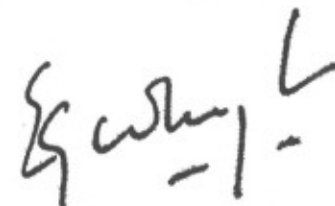
Accounts of the Office prepared under section 258 of the 1992 Act are published separately by order of the House of Commons. In broad terms it is estimated that about 39% of the Office's resources are allocated to work connected with annual returns from trade unions and employers' associations, and the maintenance of the lists of trade unions and employers' associations; 35% to work arising from the refund of costs of trade unions' secret postal ballots; and the remainder to other matters including trade union election complaints, trade union mergers, political funds and trade union finances.

The statutory fees to be paid for certain items of work undertaken by the Office were increased by Regulations¹ made by the Secretary of State. The fees are reviewed annually and any increase normally becomes effective from 1 April.

The net cost of the Office for the year ended 31 March 1996 was £550,000. My salary as Certification Officer at 31 March 1996 was £36,122 for a three day week. This sum is pensionable at an additional cost to the public purse of £6,321 and it is taxed under PAYE.

Advice and contacts for information

Although for the reasons given in the report for 1993 it can sometimes be inappropriate to give advice when asked, the Office is happy to assist where it can and guidance booklets covering different aspects of my responsibilities are available free of charge. They are listed in Appendix 11. Requests for further information on any aspect of the Certification Officer's duties should be made to the Certification Office which, following a move in June 1996, is located at Brandon House, 180 Borough High Street, London, SE1 1LW, tel: 0171-210-3734.



E G WHYBREW

¹The Certification Officer (Amendment of Fees) Regulations 1996 (S.I. 1996 No. 651).

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 the end of 1996 and the changes that have occurred during the year. The lists are set out in full in Appendices 1 and 2.

Entry in the lists and its significance

- 1.1 The Certification Officer maintains a list of trade unions and a list of employers' associations in accordance with the provisions of sections 2-4 and sections 123-125 of the 1992 Act.
- 1.2 Listing is voluntary and any organisation of workers or of employers may apply to be listed. (See Appendix 10 for statutory fee). If the Certification Officer is satisfied that the organisation falls within the appropriate definition in the 1992 Act - either section 1 for trade unions or section 122 for employers' associations (reproduced in full in the 1992 Report paragraphs 1.13 and 1.14) - 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.
- 1.5 The current lists are available for inspection free of charge at the Certification Office, which is now located at 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 lists during 1996. * Denotes those which ceased to exist as a result of mergers. The others were dissolved.

Trade Unions

British Hospital Doctors Federation

Hospital Doctors Association

*Inland Revenue Staff Federation

London Society of Tie Cutters

National Owner Drivers Association (UK)

*National Union of Civil and Public Servants

National Union of Mineworkers (Colliery Officials and Staffs Area) (Region No 3)

*National Union of Mineworkers (Colliery Officials and Staffs Area) (Region No 5)

Nelson and District Clothlookers and Warehouse Association

New Towns Chief Officers Association

North-East Coast Tug-Boatmen's Association

*Rossendale Union of Boot Shoe and Slipper Operatives

*Scottish Health Visitors Association

Thorn EMI Electronics Limited Junior and Middle Management Staff Association

Employers' Associations

Colleges Employers Forum

Federation of Bakers

Federation of Master Organ Builders

Grimsby Fishing Vessel Owners Association

The lists at 31 December 1996

- 1.8 As required by sections 2 and 123 of the 1992 Act this Report includes the lists as at 31 December 1996. They are reproduced as Appendices 1 and 2. The lists at the end of 1996 comprised 245 trade unions and 110 employers' associations.

Changes during 1996 are summarised in the table below:

	On lists at 31 December 1995	Changes between 1 January 1996 and 31 December 1996		On lists 31 December 1996
		Additions	Removals	
Trade Unions	256	3	14	245
Employers' Associations	114	0	4	110

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

Unlisted organisations

1.9 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 the end of the year there were 20 trade unions and 115 employers' associations which have 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 organisations known to the Office but who have not applied to be included in the lists of trade unions or employers' associations are given at Appendices 1a and 2a respectively.

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 10 for statutory fee). 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 or Scottish 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 Where a question as to the independence of a particular union arises in proceedings before the courts, industrial tribunals 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.

¹In *Squibb UK Staff Association v Certification Officer* ([1979] 2 All ER 452, [1979] IRLR 75, CA) it was held that the word "liable" in this context should be interpreted as implying "vulnerability to interference" rather than "likelihood of interference".

Criteria

2.5 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

2.6 Four applications for certificates of independence were received in 1996. One review, carried over from the previous year, was completed and the union's independent status was confirmed. One application, from the Public Services Tax and Commerce Union, was made by the newly formed trade union, following an amalgamation where each of the unions involved had held a certificate of independence immediately prior to the date of the merger.

Decisions

2.7 During the year certificates of independence were issued to the Public Services Tax and Commerce Union and to the Eagle Star Staff Union (1988) and one application was outstanding at the end of the year. One application, that of the Government Communications Staff Federation, was refused.

2.8 The Federation had previously been refused a certificate of independence in 1989. Their appeal to the EAT was heard in October 1992. The EAT, on a re-hearing of the application, ruled that the Federation did not satisfy the statutory definition of an independent trade union and that a certificate of independence should be refused.

2.9 The application made in January 1996, following significant changes in circumstances, was considered anew by the Certification Officer but refused. The grounds were summarised as:

- "(a) The Federation's officers must be employees of GCHQ. As such they are subject to posting, pay, promotion and disciplinary decisions by the management with whom they negotiate.
- (b) The Federation's freedom to affiliate with other organisations is significantly restricted, it cannot merge with another union nor can it recruit voting members from elsewhere to broaden its membership base.
- (c) If the Federation failed to satisfy the conditions of service imposed on GCHQ employees by management no one at GCHQ (including its officers) would be able to remain members.

- (d) The withdrawal of employer-provided facilities (equivalent to approximately 80% of the Federations income from other sources) could produce severe disruption in the Federation's activities.
- (e) Federation members and officers would have only limited access to Industrial Tribunals should they wish to claim that action had been taken against them on grounds of trade union membership or activities. If *dismissed* they could not benefit from the 'automatically unfair' provisions applicable to others in such circumstances and, again unlike others, they would have no redress in respect of *action short of dismissal*.
- (f) The Federation is faced with an effective ban on taking or inducing industrial action."

In November 1996 the Federation served notice of an appeal to the EAT against the decision to refuse a certificate. No date has yet been fixed for a hearing of the appeal.

2.10 Eleven certificates were cancelled because the unions concerned had ceased to exist. Mergers accounted for five of these cancellations. Details are given in Appendix 3.

Annual Returns and Accounts

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.

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 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.
- 3.4 The Act requires each trade union and employers' association 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.
- 3.5 The annual return must include a copy of the auditor's report on the accounts. Under section 34 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.
- 3.6 A trade union (other than a special register body) 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, where the value of its assets are less than £5,000 and provided it has less than 500 members.
- 3.7 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.
- 3.8 This year 2.6% of all returns received by the Office were qualified by the auditors. Of those returns which were qualified most were of a minor, technical nature and appropriate action has been taken to ensure such qualifications are not required in the future. The remaining qualifications related 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 were provided detailing what effect compliance would have had on the 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 qualified returns.
- 3.9 Provided the period covered is the same and there is no significant diminution in the degree of disclosure, a special register body (see 1994 Annual Report, paras 1.10 -1.12) or an employers' association incorporated under the Companies Acts may submit with its return, in lieu of the prescribed accounts, a copy of its accounts prepared under the Companies 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.
- 3.10 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, and the decision to instigate legal proceedings in such an instance would be a matter for the Certification Officer.

Late submission of returns

3.11 The 1992 Act requires an organisation to submit an annual return to the Certification Officer within five months of the year end (para 3.4). In 1996 approximately 15% of returns were submitted over two months late; however by the end of the year 96% had been received. The returns from trade unions covered 99.9% of all trade union members. The Office continues to seek full compliance with the statutory requirements, and will take steps to improve the performance of persistent offenders.

Salaries and benefits

3.12 Financial information derived from the annual returns of trade unions and employers' associations is given at Appendices 4, 5 and 8. *That information and the following comments in this Chapter relate to the year 1995.* This is because the Office's information is derived from the annual returns (which include audited accounts) for 1995 which were submitted during 1996, the year covered by this report.

3.13 Trade unions are now 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. Information from the annual returns received from trade unions showed that 22% paid a salary to their general secretary of over £40,000; 21% paid between £20,000 and £40,000; 20% paid between £1,000 and £20,000, while the general secretaries of the remaining 37% did not receive a salary.

3.14 This year the Office has been in discussion with accountants and trade unions regarding the disclosure in the annual return and on the members statement of payments made to officers of the union on the termination of their employment. The Office requires that any payments or benefits provided at or about the same time as the termination, or in the financial year covered by the return should be shown on the return. However where the payment or benefit is not fully provided in that year, a description of the payment or benefit to be provided in future years should be also shown on the return but in subsequent years payments to ex-office holders under these commitments need not be included.

3.15 The following table gives, in the fifth and sixth columns, the amount paid in salary and benefits to chief officers of the ten trade unions making the largest payments for 1995; the third and fourth columns give the amounts paid by the same unions for 1994 in respect of the holder of that particular office. The benefits returned consist mainly of superannuation contributions although, as last year, employers national insurance contributions are excluded from the table.

Union	Title	1994		1995	
		(£) Salary	(£) Benefits	(£) Salary	(£) Benefits
Professional Footballers Association	Chief Executive	166,284	112,499	171,234	112,694
British Medical Association	General Secretary	76,218	17,500	85,743	17,069
Royal College of Nursing of United Kingdom	General Secretary	74,262	9,239	76,275 ²	17,622
Association of Teachers and Lecturers	General Secretary	71,270	14,559	75,008	14,844
UNIFI	General Secretary	68,671	17,659	72,670	18,068
UNISON - The Public Service Union	General Secretary	64,143	7,302	71,227 ³	8,164
National Association of Head Teachers	General Secretary ¹	68,640	10,311	70,531	10,515
National Union of Teachers	General Secretary	66,247	3,942	68,067	5,247
British Dental Association	Chief Executive	65,610	10,255	67,832	10,557
National Association of Colliery Overmen Deputies and Shotfirers (South Wales Area)	General Secretary	40,610	2,070	61,513	3,138

Statement to members

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

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

¹The General Secretary also acts as the union's solicitor.

²The Royal College of Nursing of the United Kingdom is a special registered body and as such only £30,510 of the general secretary's salary is in respect of union activities.

³This figure includes £1,646 arrears of pay.

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.

- 3.17 The Act is specific about how this must be done; the exact wording of the statement to be issued 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 may apply for material assistance from the Commissioner for the Rights of Trade Union Members and should, in any case, consider obtaining independent legal advice."

- 3.18 Trade unions have in the main readily complied with the requirement to provide members with a statement which contained the required information and met the statutory timescale. The Office will continue to ensure that the high level of compliance is maintained.

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

- 3.19 The 1993 Act amended the Trade Union and Labour Relations (Consolidation) Act 1992 in such a way as to allow the Certification Officer to investigate the financial affairs of virtually every trade union and employers' association. Under the new provisions, 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.

- 3.20 In 1996 three approaches were received from union members, or other sources, which were taken up with the relevant trade union, expressing concern about particular aspects of the conduct of its financial affairs. These involved the Transport and General Workers Union (TGWU), the GMB and the Amalgamated Engineering and Electrical Union (AEEU). In addition work continued on four cases carried over from the previous year, three of which were cleared. One involving the Prison Officers Association was more complex than anticipated and remains unresolved.

- 3.21 In all cases to date the Certification Officer has relied on his own powers of investigation, or has required documents to be produced under Section 37A. He has not so far launched a formal investigation using his powers under section 37B. Under section 37A there are no requirements to publish reports on investigations but in appropriate cases the Certification Officer has written to the union concerned recording the facts and the conclusion of his enquiries and has placed a copy of that letter on the public record.

- 3.22 Not all references received are 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 union or the individual or a combination of these methods. In all cases the union, and others, have been open and wholly cooperative with Certification Office staff.

- 3.23 One case, that of UCATT, carried over from 1995 was concluded, with a letter setting out the shortcomings that had been found and the steps taken to remedy the situation, whilst in two other instances satisfactory explanations were received from the union involved.

- 3.24 At the end of 1996 five cases have enquiries continuing with the Certification Officer in contact with the unions, other parties and members concerned.

- 3.25 One such case involves the BASSA 2000 branch of the TGWU where a number of allegations have been made by various members concerning the administration of branch funds. The Certification Officer has met officers of the union and his staff have carried out interviews with various other members of the branch including the current and former branch secretaries. The union has put a number of changes in place for the administration of branch funds but various aspects of this case remain unresolved at the end of the year.

- 3.26 In the case of the Prison Officers Association enquiries with other parties involved in the union's affairs are continuing.

Public inspection of annual returns

- 3.27 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. Where a complaint of financial irregularity has been resolved and concluded with a letter to the union concerned, the letter is associated with the annual return of that union.

Financial and Membership Information

This Chapter identifies changes in both trade union membership and expenditure and employers' association income and expenditure between 1994 and 1995.

Returns for 1995

- 4.1 As was indicated in Chapter 3 the information and comments in this chapter relate to the year 1995 and the information derived from the annual returns of trade unions and employers' associations is given at Appendices 4, 5 and 8.
- 4.2 Appendix 4 shows that at the end of 1995 there were 16 trade unions with over 100,000 members.
- 4.3 Appendix 5 shows that at the end of 1995 there were 29 employers' associations with an annual income of over £1,500,000.
- 4.4 The total of 480 organisations which submitted returns for 1995 was made up as follows:

Listed trade unions	247
Unlisted trade unions	13
Listed employers' associations	114
Unlisted employers' associations	106

Trade unions

- 4.5 A summary of statistics concerning the membership and finances of trade unions for 1995 is given in Appendix 4. Details are shown for each union with over 100,000 members.
- 4.6 *Comparability with 1994 figures.* The statistics in Appendix 4 are based on returns from 259 unions in 1995 compared with returns from 273 unions in 1994. All unions of substantial size are included in both sets of figures, which are therefore broadly comparable.
- 4.7 The trade unions from which returns were received had a total membership of 8,031,326. The major unions with a membership of over 100,000 accounted for 6,351,012 members or 79% of the total.
- 4.8 The returns show that in 1995 total trade union membership fell by approximately 2.4% from the previous year. The total membership of 8 million compares with 8.75 million in 1994 and a peak of 13.2 million in 1979.
- 4.9 The following table shows changes of 10,000 or more in the total membership of individual unions between December 1994 and December 1995:

Changes in Trade Union Membership

	Total Membership (000's)		
	1994	1995	Changes
Increases			
National Association of Schoolmasters and Union of Women Teachers	213	234	+ 21
Decreases			
Amalgamated Engineering and Electrical Union	781	726	- 55
GMB	790	740	- 50
Manufacturing Science and Finance Union	482	446	- 36
Transport and General Workers Union	914	897	- 17
UNISON - The Public Service Union	1,369	1,355	- 14
Banking Insurance and Finance Union	134	124	- 10

Membership figures

- 4.10 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 for 1995 provided figures indicating that the total number of contributing members was 7% less than the figure for total membership.

Finance

- 4.11 Trade Union income derives mainly from membership subscriptions and income from investments. There may also be additional income and/or assets arising if, for example, a union accepts the transfer of engagements of another union. The figures given at Appendix 4 include both general funds and others where applicable, eg contingency, superannuation and political funds.¹
- 4.12 As a result of the formation of UNISON-The Public Service Union in 1993 and the submission of a return covering eighteen months, the figures quoted at Appendix 4 in last years report were potentially misleading. The Certification Officer's Annual Report made allowances for this (see paragraphs 4.12 and 4.13). Similar adjustments are required this year before comparisons are made with figures for 1994. The information in the following two paragraphs has been adjusted accordingly.

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

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.

Schemes maintained

5.3 At the end of the year there were 20 members' superannuation schemes maintained by 12 trade unions. They are listed in Appendix 6 and are mostly small schemes with only four having assets of over £250,000. The Amalgamated Engineering and Electrical Union and the National Union of Rail Maritime and Transport Workers are the only unions with a scheme covering more than 25,000 pensioners.

4.13 In 1995 gross income from trade unions was £666.5 million a decrease of 0.48% from 1994. Income from members fell by 0.6% to £548.5 million while investment and other income rose by 0.16%.

4.14 Gross expenditure fell by 0.84% to £653.5 million, while at the end of 1995 total funds (net assets) amounted to £705.4 million an increase of 0.7% over the previous year.

Employers' associations

4.15 A summary of statistics concerning the membership and finances of employers' associations for 1995 is given in Appendix 5. Details are given for each association (including unlisted associations) with total income of more than £1,500,000.

4.16 The statistics in Appendix 5 are based on returns from 220 employers' associations compared with returns from 228 associations for 1994. The largest employers' associations, as measured by total income, are included in both sets of figures which are therefore broadly comparable.

4.17 In 1995 the gross income of employers' associations was £208.2 million compared with £196.1 million in 1994, an increase of 6.2%. Income from members fell from £97.7 million to £96.8 million. Income from investments rose from £9.9 million to £12.3 million. Gross expenditure increased from £188 million to £199 million (5.8%).

4.18 The figures given in the Appendix include both general funds and, where applicable, funds maintained for specific purposes. At the end of 1995 total funds (net assets) of employers' associations amounted to £167.1 million an increase of £7.5 million (4.7%) over the previous year's figure.

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

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

Reports: 1996

- 5.5 Two reports due in 1996, from the National Union of Rail Maritime and Transport Workers and GMB were outstanding at the end of the year. The Office is in contact with both these unions and expects the reports to be submitted shortly.
- 5.6 The scheme operated by the former Association of Pattern Makers (APAC) - now part of the Manufacturing, Science and Finance Union (MSF) - was reviewed by the Office this year. The scheme had been closed since 1988 and essentially the union itself wished to underwrite the remaining obligations of the scheme. The Certification Officer took action to ensure that the union had in place a full scheme membership register, was able to meet fully any obligations of the scheme and had in place a separate system for the payment of benefits. He was content that the union had addressed these issues and early in 1997 the union plans to publish details of the scheme in its journal. Any decision by the Certification Officer to exempt the scheme from future actuarial review will be made following the next actuarial report which is due in 1997.

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 during the year. Appendix 7 lists the mergers registered during 1996.

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 ("the transferor") loses its legal identity whilst the organisation to which it transfers ("the transferee") continues in being with its legal identity unchanged. An *amalgamation* produces a new organisation replacing each of the amalgamating bodies, which cease to exist.
- 6.3 Organisations proposing to enter into a transfer of engagements or an amalgamation must prepare an instrument setting out the proposed terms of the merger and an explanatory notice to members. They must submit these documents to the Certification Officer and the documents must have his approval before a ballot of members can be held to approve the instrument. (See Appendix 10 for 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 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.
- 6.5 In a transfer of engagements only the members of the transferor 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. The application cannot be made until a copy of the scrutineer's report has been despatched to every member of the union or they have been notified of its contents by other means.

- 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 transferor 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 may dismiss the complaint or, if after hearing both sides he finds the complaint 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 on a question of law.
- 6.7 Formal documents kept by the Certification Officer relating to mergers under the 1992 Act are available for public inspection. (See Appendix 10 for 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 proposing to merge to discuss procedures and timetables.

Mergers: 1996

- 6.9 During 1996 one amalgamation and six 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 seven mergers of trade unions which took place during the year involved a total of 163,127 members. The largest merger registered in 1996 involving 155,185 members, was the amalgamation between the Inland Revenue Staff Federation and the National Union of Civil and Public Servants to form the Public Services Tax and Commerce Union. The merger took effect on 1 January 1996. Six proposed transfers of engagements involving trade unions were in progress at the end of the year.
- 6.11 The merger provisions of the Act do not extend to Northern Ireland, but the Act does apply with certain modification to a transfer of engagements or amalgamation between a Northern Ireland union and a union in Great Britain.

- 6.12 1996 saw the completion of the first transfer of engagements under current legislation from a Northern Ireland based union to one in Great Britain when the North of Ireland Bakers Confectioners and Allied Workers Union transferred its engagements to the Bakers Food and Allied Workers Union. This was a complex matter as it involved overlapping legislation between Great Britain and Northern Ireland.

Changes of name

- 6.13 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 10 for statutory fee). During 1996 approval was given to the changes of name of seven trade unions as shown below:

Trade Unions	Effective Date
From National Association of Colliery Overman Deputies and Shotfirers Midland Area To Midland Area Association of Colliery Officials	10.01.96
From Headmasters Conference To Headmasters and Headmistresses Conference	22.01.96
From Alliance and Leicester Building Society Staff Association To Alliance and Leicester Group Union of Staff	26.04.96
From Nationwide Group Staff Association To Nationwide Group Staff Union	24.05.96
From National Association of Professional and Technical Theatre Personnel To Association of Theatre Personnel Nationwide	28.05.96
From General Union of Associations of Loom Overlookers To General Union of Loom Overlookers	10.07.96
From Royal London District Managers and Superintendents Association To Royal London District Managers Association	25.11.96

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 1996.

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 by the union to oversee the requirements of the ballot.

(b) Exemptions

- 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 apply in a form to the same effect. 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 a trade union 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 under the Act make an order for remedying it. An appeal against the decision of the Certification Officer may be made to the Employment Appeal Tribunal on a question of law.

- 7.5 A trade union 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.

(d) Review ballots

- 7.6 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

- 7.7 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 this 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 political fund rules approved for the first time during 1996

- 7.8 One trade union had political fund rules approved for the first time during 1996 following a membership ballot. The union concerned was the Midland Area Association of Colliery Officials.

Amalgamations of unions already holding a political fund

- 7.9 Where two or more trade unions, each qualified to operate a political fund, 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 7.6) of such a newly constituted union will start from the earliest of the political fund review dates of the amalgamating unions involved. One union was so treated during 1996. The union concerned was the Public Services Tax and Commerce Union, whose political fund resolution would have expired in February 1996 had the union not obtained a new mandate.

Political fund resolutions in force

- 7.10 The number of political fund resolutions in force at 31 December 1996 was 39. There were no employers' associations maintaining political funds at 31 December 1996. The trade unions concerned are indicated in Appendix 1. During the year 4 unions held review ballots as required by section 73(3) and (4) of the Act. The unions concerned and the percentage of those members who voted and who favoured retaining their political fund were:

Fire Brigades Union	85%
National Union of Mineworkers	65%
Public Services Tax and Commerce Union	72%
Union of Construction Allied Trades and Technicians	84%

The Retained Firefighters Union decided to close its political fund at its conference on 19 October 1996. The political funds in respect of the Prison Officers Association and the Scottish Carpet Workers Union are currently in suspense. As a result of the Certification Officer's decision in response to a complaint (see para 7.17) the Prison Officers Association has transferred all the funds in its political fund to its general fund. It is to seek fresh approval for the rules under which a new political fund ballot will be held. The Scottish Carpet Workers Union has not held a review ballot in accordance with rules approved by the Certification Officer. As a result the political fund resolution lapsed.

Political funds of trade unions at 31 December 1995

- 7.11 Detailed statistical information about the political funds of trade unions is derived from the unions' annual returns. The latest available information is given in Appendix 8, which is derived from returns made by trade unions maintaining political funds at the end of 1995.
- 7.12 Annual returns showed the total income of political funds as £15.7 million in 1995 compared with £18.1 million in 1994, and expenditure £16.2 million as compared with £18.4 million. Total funds at the end of 1995 were £14.7 million compared with £15.2 million at the end of 1994.

Political fund membership

- 7.13 Appendix 8 also gives membership information provided by the unions which maintained political funds at 31 December 1995 and shows comparable information for unions with political funds at 31 December 1994. Annual returns showed that in 1995 the number of union members contributing to a political fund was 4,937,627 compared with 5,079,654 in 1994.

Exemption notices

- 7.14 Exemption notices (see paragraph 7.3) are obtainable from the organisation concerned or from the Certification Office. The Office supplied 43 such notices during 1996.

Amendments to rules

- 7.15 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. Thirteen trade unions had amendments approved in this way in 1996.
- 7.16 Unions have been told that the Certification Officer is now 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, which do not alter the statutory effect of the rules, are designed to ensure that the rule book gives members ready access to the current rules governing the use of political funds.

Political fund complaints

- 7.17 During 1996 one complaint was heard by the Certification Officer under section 77 of the 1992 Act. This complaint involved the Prison Officers Association and its ballot, designed to establish a political fund, held in 1995. The Certification Officer's decision upheld the complaint and was issued 9 August 1996.
- 7.18 Copies of the decision are available from the Certification Office free of charge.

Funds for Trade Union Ballots

The 1992 Act and its predecessors provided for a scheme to be made for independent trade unions to claim refund from the Certification Officer for certain costs of holding secret postal ballots for specified purposes. In February 1993 the Government announced that the scheme was to be phased out over a period of three years starting in April of that year. As a consequence the refund scheme ended on 31 March 1996 having operated since 1980. Chapter 8 gives details of the eligible ballots for which unions made claims for refunds in 1996. A brief report of the history of the scheme since it started in 1980 is given at the end of the chapter.

The statutory provisions

- 8.1 Under the statutory scheme the Certification Officer was permitted to refund certain costs incurred by independent trade unions in holding secret postal ballots for specified purposes. A statutory phasing-out period was introduced whereby refunds were reduced by 25%, 50% and 75% during the financial years 1993/94, 1994/95 and 1995/96 respectively.

Applications

- 8.2 Under the scheme unions had up to six months to apply for refund after the scheme finished on 31 March 1996, that is until 30 September 1996. As a result during the period 1 January to 30 September 1996 41 unions made applications for refunds in respect of 803 ballots.
- 8.3 During 1996 the Certification Officer made payments in respect of 59 ballots for which applications were made during the year. He also made payments in respect of 890 ballots for which applications were outstanding at the beginning of the year. He was unable to make payments in respect of 58 ballots which failed to meet the requirements of the scheme. Also during 1996 a total of £2,132,319 was deducted from claims as a result of the statutory phasing-out reductions, and £692,833 was deducted where certain costs claimed were disallowed or adjusted. Payments to individual trade unions are listed at Appendix 9.
- 8.4 At the end of 1996 there remained a backlog of 171 applications awaiting processing which had been received by the Office on or before 30 September 1996. Some of this reflects the fact that no payments can be made in respect of industrial action ballots where action is continuing and any payment due under the scheme must await the end of the industrial action. The remainder of the backlog will be cleared in the first half of 1997.

The ballot refund scheme 1980 to 1996

Conditions of the Scheme

- 8.5 An application for refund could only be payable if the ballot was secret and postal and if it was held for one or more of the qualifying purposes. Payments under the scheme were conditional on the Certification Officer being satisfied that all relevant statutory requirements had been complied with. A ballot had to satisfy certain detailed conditions set out in the Regulations, some of which were applicable to all ballots whilst others were applicable only to particular ballots. Under the scheme the Certification Officer had to refuse to make payments if he considered that any of the conditions had not been met or if any assurances asked for about the observance of the conditions were not given by the trade union concerned.

Time Limits

- 8.6 Under the scheme applications had to be made within six months of the end of the voting period.

Qualifying purposes for the scheme

- 8.7 The Regulations provided that *in order to qualify for refund of certain costs* the ballot had to be held for one or more of the following purposes:

- (i) obtaining a decision or ascertaining the views of members of a trade union as to the calling or ending of a strike or other industrial action;
- (ii) carrying out an election either under the rules of the union, or to satisfy legislative requirements, to the position of president, chairman, secretary or treasurer of the union, or member of the union's principal executive committee by whatever name it was known, or to any position which the person elected would hold as an employee of the union;
- (iii) amending the rules of a trade union;
- (iv) obtaining a decision on a resolution to approve an instrument of amalgamation or transfer;
- (v) obtaining a decision on a political fund resolution (this applied only in cases where a political fund resolution was already in force, that is to say, only in respect of a political fund review ballot);
- (vi) obtaining a decision or ascertaining the views of members of a trade union as to the acceptance or rejection of a proposal made by an employer which related in whole or in part to remuneration, hours of work, level of performance, holidays or pensions.

Statistical Analysis of the Refund Scheme - 1980-1996

Year	Number of unions claiming	Number of Ballots claimed	Payments £
1980	None	None	None
1981	14	19	12,934
1982	14	17	26,149
1983	15	20	85,072
1984	19	30	72,498
1985	26	408	1,391,982
1986	40	399	738,301
1987	42	526	1,158,801
1988	39	395	869,448
1989	67	483	1,339,582
1990	85	680	2,636,766
1991	78	716	4,082,383
1992	80	644	4,259,860
1993	70	380	3,382,803
1994	69	1,469	1,899,955
1995	71	1,644	1,095,236
1996	41	803	1,054,355

- 8.8 The increase in numbers during 1994 and 1995, shown in the table above, was mainly because unions started to claim refunds for industrial action ballots which after 1993 the law required to be fully postal. In 1996 41 unions applied for refunds out of a total of the 194 independent trade unions eligible to claim. The highest number of unions applying for refunds was 85 in 1990.

Secret Postal Ballots for Trade Union Elections

The 1992 Act requires that 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. Unions must also maintain a register of members and keep it up to date.

The statutory provisions

- 9.1 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 officers facing retirement. Elections are required to be by secret postal ballot of the members of the union, conducted in accordance with the relevant conditions in the 1992 Act. In addition, every trade union must maintain a register of its members' names and addresses and, as far as reasonably practicable, keep the entries accurate and up-to-date.
- 9.2 Individual trade union members have the statutory right to apply to the Certification Officer, or to the High Court, for a declaration that their trade union has failed to comply with one or more of the relevant provisions of the Act. Where such an application is made to him, the Certification Officer will make such enquiries as he thinks fit and, where he considers it appropriate, give the applicant and the trade union an opportunity to be heard, before he makes a decision on the complaint. In certain circumstances, expenses incurred by persons attending complaint hearings can be reimbursed by the Office.
- 9.3 If the Certification Officer decides that there has been a breach of the statutory provisions he may take into account steps which the union has taken or proposes to take to remedy the breach. Additionally the Certification Officer must give reasons for his decision in writing and such reasons may be accompanied by written observations on any matter arising from, or connected with, the proceedings.
- 9.4 Making a complaint to the Certification Officer does not prevent the applicant, or any other person, from making an application to the Court in respect of the same matter. Where a subsequent application is made, the Court is required to have due regard to any declaration, reasons or observations of the Certification Officer which are brought to the notice of the Court.

Applications, investigations and decisions

- 9.5 The Certification Officer issued fifteen decisions during 1996 and one decision remained outstanding at the end of the year.

9.6 Of the fifteen decisions issued in 1996 the following are noteworthy:-

- (i) In respect of a series of complaints involving the Prison Officers Association four declarations were made that union had failed to:- (1) allow members at HMPs Belfast and Maze to vote without interference or constraint; (2) provide members at HMPs Belfast and Maze with a convenient opportunity to vote by post (ballot papers addressed to members at these prisons were issued and collected by union officials); (3) inform members that the union would provide a copy of the scrutineer's report on request; and (4) determine the result of the ballot solely by the number of votes directly cast (a significant number of voting papers despatched to HMPs Belfast and Maze had been filled in by a small number of people). (Decision D/4-9/96)
- (ii) In a complaint involving the Civil and Public Servants Association a declaration was made that, by sending ballot papers to workplace addresses when the members concerned had not given written authority for their addresses to be used, the legislation had been breached. The decisions also deal with the question of jurisdiction in respect of complaints made in imprecise terms and postal ballots which are affected by the disruption of postal services. (Decision D/10-13/96)

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

Appendix 1

(see paragraph 1.8)

List of Trade Unions at 31 December 1996

Notes:

Trade unions first entered in the list during 1996 are shown in italics.

*Denotes a trade union holding a certificate of independence at 31 December 1996.

#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 December 1996.

England and Wales

- *Alliance and Leicester Group Union of Staff
- *Amalgamated Association of Beamers Twisters and Drawers (Hand and Machine)
- *Amalgamated Engineering and Electrical Union (P)
- *Amalgamated Power Loom Overlookers Association
- *ANSA
- *Associated Metalworkers Union
- *Associated Society of Locomotive Engineers and Firemen (P)
- *Association for College Management
- *Association of Cambridge University Assistants
- *Association of Clinical Biochemists Limited
- *Association of Educational Psychologists
- *Association of 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 Premier League and Football League Referees and Linesmen
- *Association of Principal Fire Officers
- *Association of Professional Ambulance Personnel
- *Association of Professional Music Therapists in Great Britain
- *Association of Public Service Finance Officers
- Association of Somerset Inseminators
- *Association of Teachers and Lecturers
- Association of Theatre Personnel Nationwide
- *Association of University and College Lecturers
- *Association of University Teachers (P)
- *Audit Commission Staff Association

- *Bakers Food and Allied Workers Union (P)
- Balfour Beatty Group Staff Association
- *Banking Insurance and Finance Union
- Birmingham Union of Club Stewards
- *Bradford and Bingley Building Society Staff Association
- *Britannia Staff Association
- *Britannic Field Staff Association
- *British Actors Equity Association incorporating the Variety Artistes Federation
- *British Aerospace Senior Staff Association
- *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)
- *Cabin Crew 89
- *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 Association (P)
- #Clerical Medical Staff Association
- College of Health Care Chaplains
- *Commercial Union Group Staff Association
- *Communication Managers Association (P)
- *Communication Workers Union (P)
- *Community and District Nursing Association
- *Community and Youth Workers Union
- *Corporation of London Staff Association
- Council of Civil Service Unions
- *Derbyshire Building Society Staff Association
- #Dexion Staff Association
- *Diplomatic Service Association
- *Directors Guild of Great Britain

- *Eagle Star Staff Union (1988)
- *Ellington Branch of the North East Area of the National Union of Mineworkers
- *Engineering and Fasteners Trade Union
- *Engineering Craft Association
- *Engineering Officers Technical Association
- *Engineers and Managers Association
- *Federated Union of Managerial and Professional Officers
- Federation of Professional Organisations (PT "A" Whitley Council)
- *Federation of Professional Railway Staff
- Financial Services Staff Federation
- *Fire Brigades Union (P)
- *Fire Officers Association
- *Gallaher Sales Staff Association
- *Gas Managers Association
- Gatwick Handling Staff Association
- *General Dental Practitioners Association
- General Federation of Trade Unions
- *General Union of Loom Overlookers (P)
- Girobank Senior Managers Staff Association
- *GMB (P)
- #Government Communications Staff Federation
- *Graphical Paper and Media Union (P)
- *Guild of Professional Teachers of Dancing
- *Guild of Textile Supervisors
- *Guinness Brewing Staff Association (UK)
- Hambro Staff Association
- Harrods Staff Union
- Headmasters and Headmistresses Conference
- Hongkong Bank Group UK Staff Association
- *Hospital Consultants and Specialists Association
- Huddersfield and Dewsbury Power Loom Overlookers Society
- *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)
- Institute of Professional Driving Examiners
- *Institution of Professionals Managers and Specialists (P)
- *Irish Bank Officials Association
- *Iron and Steel Trades Confederation (P)

Joint Boots Pharmacists Association
 #Jones and Shipman Administrative Staff Association
 *Lawson Mardon Star Ltd Managerial Staff Association
Lecturers Employment Advice and Action Fellowship
 *Leeds Permanent Building Society Staff Association
 Leek United Building Society Staff Association
 Leicestershire Overmen Deputies and Shotfiring Association
 *Lloyds Group Union
 Lloyds Register (UK) Staff Association
 *Lufthansa Staff Association United Kingdom
 *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 and Provincial Building Society Staff Association
 *National Association of Colliery Overmen Deputies and Shotfiring (P)
 National Association of Colliery Overmen Deputies and Shotfiring
 (Northumberland Area)
 *National Association of Colliery Overmen Deputies and Shotfiring
 (South Wales Area)
 *National Association of Colliery Overmen Deputies and Shotfiring
 (Yorkshire Area)
 *National Association of Co-operative Officials
 *National Association of Educational Inspectors Advisers and Consultants
 *National Association of Head Teachers
 *National Association of Licensed House Managers
 *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 Federation of Sub-Postmasters
 National House Building Council Staff Association
 *National League of the Blind and Disabled (P)
 *National Society for Education in Art and Design
 *National Union of Club Stewards
 *National Union of Domestic Appliances and General Operatives (P)
 *National Union of Flint Glass Workers
 *National Union of Insurance Workers (P)
 *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 (Northumberland Mechanics Group No. 1 Area)
 National Union of Mineworkers (North Wales Area)
 *National Union of Mineworkers (Power Group Area)
 National Union of Mineworkers (South Wales Area)
 *National Union of Mineworkers (Warwickshire District Midlands Area)
 *National Union of Rail Maritime and Transport Workers (P)
 *National Union of Teachers
 *Nationwide Group Staff Union
 *NatWest Staff Association
 NCH Promotional Services Staff Association
 Nielsen Staff Association
 *Northern Carpet Trades Union
 *Northern Colliery Officials and Staffs Association

Organisation of CPL Technicians

*Pattern Weavers Society
 *Portman Staff Association
 *Power Loom Carpet Weavers and Textile Workers Union (P)
 *Prison Governors Association
 *Prison Officers Association
 *Prison Service Union
 *Professional Association of Teachers
 #Professional Flight Instructors Association
 Professional Footballers Association
 *Public Services Tax and Commerce Union (P)
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
 #Royal Lancaster Hotel Staff Association

#Royal London District Managers Association
Royal Society of Chemistry Staff Association
RSPB Staff Association

Scarborough Building Society Staff Association (SOCASS)
*Secondary Heads Association

Self-Employed and Employed Electricians Association

Sheffield Wool Shear Workers Trade Union

*Skipton and District Power-Loom Overlookers Association

*Skipton Staff Association

*Society of Authors Limited

*Society of Chief Officers of Probation

*Society of Chiropractors and Podiatrists

*Society of Radiographers

*Society of Telecom Executives (P)

*Society of Union Employees (UNISON)

*Stable Lads Association

*Staff Association of Bank of Baroda (UK Region)

*Staffordshire Building Society Staff Association

Sun Alliance Staff Union

*Sun Life Staff Association

*Teston Independent Society of Cricket Ball Makers

*Transport and General Workers Union (P)

*Transport Salaried Staffs Association (P)

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

*UNIFI

*Union of Construction Allied Trades and Technicians (P)

*Union of Democratic Mineworkers (P)

Union of Dexion Workers

*Union of Shop Distributive and Allied Workers (P)

*Union of Textile Workers (P)

*UNISON - The Public Service Union (P)

*United Association of Power Loom Overlookers

*United Friendly Agents Association

#United Friendly Head Office Management Association

*United Road Transport Union

*West Bromwich Building Society Staff Association

Whatman Reeve Angel Staff Association

*Woolwich Independent Staff Association

*Writers Guild of Great Britain

*Yorkshire Independent Staff Association

Scotland

*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 Shooters (Scottish Area)

National Union of General and Public Service Workers

*National Union of Mineworkers (Colliery Officials and Staffs Area)

Scottish Region No. 8

*Offshore Industry Liaison Committee

*Scottish Carpet Workers Union

Scottish Equitable Staff Association

*Scottish Further and Higher Education Association

*Scottish Prison Officers Association

*Scottish Secondary Teachers Association

*Scottish Union of Power Loom Technicians

Appendix 1a

(see paragraph 1.9)

Unlisted Trade Unions at 31 December 1996

England and Wales

Association of Chiropodists and Podiatrists

British Seafarers Joint Council

British Telecommunications Union Committee

Commercial Union Group Managers Association

Confederation of Insurance Trade Unions

Confederation of Shipbuilding and Engineering Unions

Cricketers Association

Eagle Star Managers Association

Federation of Entertainment Unions

Friends Provident Line Managers Association

International Transport Workers Federation

Joint Committee of Light Metal Trades Union (1992)

Leeds and Holbeck Building Society Staff Association

National Union of Mineworkers (North East Area)

NFU Headquarters Staff Association

Post Office Union Committee

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 December 1996

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

Blackburn District Textile Manufacturers Association

Bolton and District Textile Employers Association

British Amusement Catering Trades Association

British Box and Packaging Association

British Clothing Industry Association Limited

British Decorators Association

British Exhibition Contractors 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

British Ready Mixed Concrete Association

British Textile Fibres Association

Builders Merchants Federation

Building Employers Confederation

China Clay Association

Cinema Exhibitors Association

Construction Plant-Hire Association

Co-operative Employers Association

Dairy Industry Federation Limited

East Midlands Local Authorities Employers Organisation
 Eastern and Essex and Hertfordshire Regional Employers Organisation
 (Local Authorities)
 EEF Lancashire
 EEF Northern Association
 EEF South
 EEF West Midlands Association
 Electrical Contractors Association
 Employers Federation of Textile Finishers
 Engineering and Shipbuilding Employers Association - Yorkshire and Humberside
 Engineering Construction Industry Association
 Engineering Employers Association of South Lancashire Cheshire and North Wales
 Engineering Employers East Anglian Association
 Engineering Employers East Midlands Association
 Engineering Employers Federation
 Engineering Employers Sheffield Association (South Yorkshire and North Midlands)
 Engineering Employers Western Association

 Federation of Civil Engineering Contractors
 Federation of Dredging Contractors
 Federation of Master Builders
 Footwear Distributors Federation

 Glass and Glazing Federation

 Heating and Ventilating Contractors Association
 Hinckley and District Knitting Industry Association

 Lancaster Morecambe and South Lakeland Master Plumbers Association
 Leather Producers Association
 London Association of Shore Gang Contractors

 Mastic Asphalt Council and Employers Federation Limited
 Mid-Anglian Engineering Employers Association
 Multiwall Sack Manufacturers Employers Association

 National Association of Farriers Blacksmiths and Agricultural Engineers
 National Association of Glove Manufacturers
 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 Trade Association
 National Hairdressers Federation

National Master Tile Fixers Association
 National Pharmaceutical Association Limited
 National Sawmilling Association
 National Trainers Federation
 Natural Slate Quarries Association
 Newspaper Society
 North East Lancashire Textile Manufacturers Association

Paper Federation of Great Britain Ltd
 Producers Alliance for Cinema and Television
 Publishers Association

Representative National Organisation of Employers of Local Authority Staff
 Representative National Organisation of Employers of New Towns Staff
 Representative Northern and North Eastern Provincial Organisation of
 Employers of Local Authorities 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

Test and County Cricket Board
 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

Clydeside Federation of Community Based Housing Associations

Electrical Contractors Association of Scotland

Glasgow and District Retail Fleshers Association

Hawick Knitwear Manufacturers Association

Malt Distillers Association of Scotland

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

Appendix 2a

(see paragraph 1.9)

Unlisted Employers' Associations at 31 December 1996

England and Wales

Association of Colleges
Association of Master Lightermen and Barge Owners
Association of Post Production Companies
Association of Street Lighting Electrical Contractors

B F M Limited
British Ball Clay Producers Federation Ltd
British Ceramic Confederation
British Fibreboard Packaging Association
British Footwear Association
British Jewellery and Giftware Federation Ltd
British Leather Goods Manufacturers Association
British Narrow Fabrics Association
British Secondary Metals Association
British Shoe Repair Association
British Soft Drinks Association Ltd
British Timber Merchants Association (England and Wales)

Chemical Industries Association Ltd
Coach Operators Federation
Confederation of British Wool Textiles Limited
Covent Garden Tenants Association Limited
Cutlery and Silverware Manufacturers Association of the United Kingdom

Federation of Building Specialist Contractors
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
Incorporated National Association of British and Irish Millers Limited
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
Master Tanners Association
Metal Packaging Manufacturers Association

National Bedding Federation Limited
National Federation of Painting and Decorating Contractors
National Federation of Roofing Contractors Ltd
North Wales Provincial Council for Local Authorities
(Administrative, Professional, Technical and Clerical Services)
North Wales Provincial Council for Local Authorities Services (Manual Workers)
North West Timber Trades Association
North Western Local Authorities Employers Organisation
Northamptonshire Footwear Manufacturers Association
Northern Brick Federation
Norwich Footwear Manufacturers Association

Oldham and Rochdale Textile Employers Association Ltd

Radio Electrical and Television Retailers Association (RETRA) Ltd
Reclamation Association
Refractory Users Federation
Road Haulage Association Limited

Sand and Gravel 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 Wales Provincial Council for Local Authorities Services
(Administrative, Professional, Technical and Clerical Staff)
South Wales Provincial Council for Local Authorities Services (Manual Workers)
South Western Roadstone Employers Federation
Spitalfields Market Tenants Association Ltd
Stone Federation Great Britain

Textile Services Association Ltd
Theatrical Management Association Ltd
Tobacco Industry Employers Association

United Kingdom Fellmongers 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 Authorities Employers Organisation

Scotland

Aberdeen and District Building Trades Employers Association
Aberdeen Fish Curers and Merchants Association Limited
Angus and Kincardine Master Plumbers Association
Argyll Building Trades Employers Association
Ayrshire Master Builders and Joiners Association

Banff & Moray Master Plumbers Association
Brewers Association of Scotland

Central Counties Plumbing and Mechanical Association
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

Inverness and District Master Builders Association
Inverness and Northern District Master Plumbers Association

Lanarkshire Master Plumbers Association
Locharbar Building Employers 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
Ross-shire Building Trades Employers Association

Scottish Association of Master Bakers
Scottish Association of Meat Wholesalers
Scottish Building Employers Federation
Scottish Employers Council for the Clay Industries
Scottish Knitwear Association
Scottish Master Slaters and Roof Tilers Association
Scottish Master Wrights and Builders Association
Scottish Pre-cast Concrete Manufacturers Association
South West Building Trades (Employers) Association

Tayside Association of Construction Employers

Western Isles Building Employers Association
Wholesale Grocers Association of Scotland

Appendix 3

(see paragraph 2.7)

Decisions on Trade Union Independence during 1996

Certificates of independence issued

Eagle Star Staff Union (1988)
Public Services Tax and Commerce Union

Certificates of independence refused

Government Communications Staff Federation

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

Inland Revenue Staff Federation
National Union of Civil and Public Servants
National Union of Mineworkers (COSA) Region 5
Rossendale Union of Boot Shoe and Slipper Operatives
Scottish Health Visitors Association

Certificates cancelled because the union was dissolved

Thorn EMI Electronics Ltd Junior and Middle Management Staff Association
London Society of Tie Cutters
Nelson and District Clothlookers and Warehouse Association
North-East Coast Tug-Boatmens Association

Completed Review

Immigration Services Union

Appendix 4

Summary of Statistics - Trade Unions, 1995

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 the year 1995 and therefore to unions which were in existence at that time.*

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) The distinction between benefits to members and administration and other expenditure is not always clear cut. Certain types of expenditure - for example, the provision of legal and other advisory services - can fall under either heading.
- (e) Investment assets are shown at cost.
- (f) This figure has been changed from last year's report due to later information.

Summary of Statistics - Trade Unions
(see paragraph 4.2)

Appendix 4

	Number of Members (a)	GROSS INCOME				GROSS EXPENDITURE			TOTAL FUNDS		GROSS ASSETS				Total Liabilities
		From Members	From Investments	Other Income	Total Income	Benefits to Members	Administration and other expenditure	Total expenditure	Beginning of the Year	End of the Year	Fixed Assets	Investments	Other Assets	Total Assets	
		£000s	£000s	£000s	£000s	£000s	£000s	£000s	£000s	£000s	£000s	£000s	£000s	£000s	
Unions with 100,000 members or more:-															
UNISON - The Public Service Union	1,355,313	97,023	3,073	5,222	105,318	9,232	94,694	103,926	80,082	81,474	22,530	12,867	61,245	96,642	15,168
Transport and General Workers Union	896,550	61,539	2,271	329	64,139	7,044	52,931	59,975	57,601	61,765	37,825	24,031	9,671	71,527	9,762
GMB	740,319	37,824	2,054	3,535	43,413	3,827	42,052	45,879	60,995(f)	58,529	25,908	21,681	14,897	62,486	3,957
Amalgamated Engineering and Electrical Union	725,743	38,274	3,149	788	42,211	4,020	37,875	41,895	42,804(f)	43,120	17,144	20,119	14,987	52,250	9,130
Manufacturing Science and Finance Union	446,000	22,084	208	450	22,742	3,771	22,172	25,943	11,274(f)	8,073	16,638	867	7,882	25,387	17,314
Royal College of Nursing of the United Kingdom	302,816	12,353	-	700	13,053	439	12,614	13,053	-	-	-	-	4,799	4,799	4,799
Union of Shop Distributive and Allied Workers	283,255	14,636	1,265	1,115	17,016	1,228	15,004	16,232	17,143	17,927	2,950	13,641	1,683	18,274	347
Communications Workers Union	275,055	24,591	741	857	26,189	4,810	21,963	26,773	23,876	23,292	7,709	6,508	10,833	25,050	1,758
National Union of Teachers	248,083	12,975	1,216	955	15,146	9,256	5,307	14,563	8,358(f)	8,941	3,258	4,500	4,625	12,383	3,442
National Association of Schoolmasters and Union of Women Teachers	233,846	8,540	537	1,006	10,083	1,332	7,709	9,041	13,712	14,754	5,558	8,199	1,627	15,384	630
Graphical Paper and Media Union	216,991	20,007	2,133	4,443	26,583	4,467	22,482	26,949	38,780	38,414	4,338	11,234	25,159	40,731	2,317
Association of Teachers and Lecturers	171,059	7,644	292	193	8,129	2,068	5,319	7,387	3,885	4,627	2,420	507	2,455	5,382	755
Banking Insurance and Finance Union	123,540	6,682	202	291	7,175	464	7,116	7,580	4,079	3,674	2,714	939	654	4,307	633
Civil and Public Services Association	121,749	9,519	630	38	10,187	1,569	8,293	9,862	13,563	13,888	6,824	962	9,190	16,976	3,088
Union of Construction Allied Trades and Technicians	107,872	3,834	28	492	4,354	183	3,903	4,086	(272)(f)	(4)	1,801	17	67	1,885	1,889
National Union of Civil and Public Servants	102,821	9,800	35	82	9,917	462	8,773	9,235	6,273	6,955	5,923	128	2,967	9,018	2,063
Total for above unions with 100,000 members or more	6,351,012	387,325	17,834	20,496	425,635	54,172	368,207	422,379	382,153	385,429	163,540	126,200	172,741	462,481	77,052
Total for 231 other listed unions with less than 100,000 members	1,677,064	137,386	16,815	56,892	211,093	23,656	177,356	201,012	257,146	267,227	78,501	139,811	111,304	329,616	62,389
Total for listed unions	8,028,076	524,711	34,649	77,388	636,728	77,828	545,563	623,391	639,299	652,656	242,041	266,011	284,045	792,097	139,441
Trades Union Congress	-	9,996	1,078	1,653	12,727	-	13,925	13,925	6,330	5,132	3,234	1,825	3,001	8,060	2,928
Total for 11 other unlisted unions which have submitted returns	3,250	13,795	2,431	832	17,058	176	15,985	16,161	46,735	47,632	5,649	19,969	38,183	63,801	16,169
Total for all unions 1995	8,031,326	548,502	38,158	79,873	666,533	78,004	575,473	653,477	692,364	705,420	250,924	287,805	325,229	863,958	158,538
Total for all unions 1994*	8,230,545	603,876	36,267	84,208	724,353	72,493	639,247	711,741	688,050	700,661	257,347	262,170	336,082	855,600	154,938

Notes - see previous page

*The figures for 1994 are distorted due to the inclusion of figures for UNISON covering an 18 month period (see paras 4.11 to 4.14).

Appendix 5

Summary of Statistics - Employers' Associations, 1995

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.

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.
- (e) Below £500.

Summary of Statistics - Employers' Associations, 1995

(see paragraph 4.15)

Appendix 5

	GROSS INCOME				GROSS EXPENDITURE	TOTAL FUNDS		GROSS ASSETS				Total Liabilities	Number of Members
	From Members	From Investments	Other Income	Total Income		Beginning of the Year	End of the Year	Fixed Assets	Investment Assets	Other Assets	Total Assets		
	(a)	(b)	(c)	(d)		(e)	(f)	(g)	(h)	(i)	(j)		
	£000s	£000s	£000s	£000s		£000s	£000s	£000s	£000s	£000s	£000s	£000s	(13)
Employers' Associations with over £1,500,000 total income:-	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	
Engineering Employers Federation	1,835	3,710	906	6,451	4,728	19,223	20,946	849	20,161	1,426	22,436	1,490	17
EEF West Midlands	1,264	210	3,383	4,857	4,824	3,026	3,059	3,073	1,454	2,036	6,563	3,504	1,158
Engineering Construction Industry Association	1,599	128	228	1,955	1,779	1,347	1,523	87	408	1,634	2,129	606	259
Engineering Employers Western Association	763	34	942	1,739	1,750	391	380	258	332	438	1,028	648	321
EEF South	971	126	601	1,698	1,678	2,263	2,283	1,285	898	568	2,751	468	545
EEF Lancashire	202	13	1,386	1,601	1,532	850	919	535	325	302	1,162	243	255
8 Other Engineering Employers Associations in Great Britain	2,850	170	1,746	4,766	4,543	2,500	2,723	1,102	1,052	1,881	4,035	1,312	2,132
Test and County Cricket Board	-	-	34,545	34,545	34,545	-	-	-	-	2,105	2,105	2,105	20
National Farmers Union	20,747	1,541	1,869	24,157	22,745	32,299(d)	33,711	14,774	11,991	15,334	42,099	8,388	116,998
*Freight Transport Association Limited	2,432	119	9,606	12,157	12,276	4,142	4,023	3,937	1,342	2,701	7,980	3,957	11,566
Electrical Contractors Association	2,055	2,017	7,820	11,892	8,082	25,789	29,599	359	35,724	5,276	41,359	11,760	1,930
Heating and Ventilating Contractors Association	1,431	856	6,024	8,311	8,711	5,756	5,356	820	1,650	4,528	6,998	1,642	1,161
British Printing Industries Federation	3,548	86	2,475	6,109	6,028	1,172	1,253	752	824	2,518	4,094	2,841	3,177
Retail Motor Industry Federation Limited	3,451	311	1,548	5,310	5,944	1,472	838	2,344	1	3,908	6,253	5,415	12,754
*Chemical Industries Association Limited	3,917	161	969	5,047	5,047	194	194	12	1,290	698	2,000	1,806	178
Building Employers Confederation	1,648	172	3,017	4,837	4,755	5,681	5,763	5,148	396	2,594	8,138	2,375	5
National Federation of Retail Newsagents	4,511	148	124	4,783	4,863	2,713	2,633	1,902	1,131	1,083	4,116	1,483	28,053
*Road Haulage Association Limited	1,771	68	2,554	4,393	4,229	3,568	3,732	3,219	14	1,809	5,042	1,310	9,525
Newspaper Society	3,353	167	372	3,892	3,848	1,071	1,115	142	259	2,831	3,232	2,117	238
*British Jewellery and Giftware Federation Limited	594	313	2,313	3,220	2,522	5,649	6,347	1,232	6,449	859	8,540	2,193	1,967
Federation of Master Builders	2,521	37	654	3,212	3,189	2,310	2,333	3,307	750	355	4,412	2,079	16,022
National Pharmaceutical Association Limited	2,105	75	602	2,782	2,583	1,741	1,940	1,126	709	1,330	3,165	1,225	6,257
*Society of London Theatre "SOLT"	2,208	80	5	2,293	2,246	73	120	10	422	2,264	2,696	2,576	99
*BFM Limited	286	11	1,951	2,248	2,344	1,090	994	1,031	82	1,104	2,217	1,223	229
Federation of Civil Engineering Contractors	1,574	82	305	1,961	1,953	750	758	159	451	404	1,014	256	262
Paper Federation of Great Britain Limited	1,209	12	713	1,934	1,958	1,260	1,236	1,363	(e)	420	1,783	547	57
Dairy Industry Federation Limited	1,259	-	399	1,658	1,651	856	863	66	-	2,039	2,105	1,242	76
Publishers Association	1,123	35	455	1,613	1,692	122	43	47	-	488	535	492	178
National Farmers Union of Scotland	1,242	68	290	1,600	1,503	909	1,006	114	833	341	1,288	282	13,165
Producers Alliance for Cinema and Television	1,523	49	24	1,596	1,402	346	540	60	269	912	1,241	701	1,104
Total for above Employers' Associations	73,992	10,799	87,826	172,617	164,950	128,563	136,230	49,113	89,217	64,186	202,516	66,286	229,708
Total for 83 other listed Employers' Associations	12,826	1,037	7,929	21,792	21,444	21,802	22,150	11,288	5,881	13,135	30,304	8,154	31,696
Total for 100 other unlisted Employers' Associations	9,982	495	3,353	13,830	12,786	7,700	8,744	2,657	2,643	7,294	12,594	3,850	9,567
Total for all Employers' Associations 1995	96,800	12,331	99,108	208,239	199,180	158,065	167,124	63,058	97,741	84,615	245,414	78,290	270,971
Total for all Employers' Associations 1994#	97,742	9,965	88,418	196,124	188,155	151,643	159,611	60,543	92,052	89,203	241,798	82,187	275,351

* Unlisted Employers' Associations

These figures have been changed from last years report

Notes - see previous page

Appendix 6

(see paragraph 5.3)

Trade Unions Maintaining Members' Superannuation Schemes at 31 December 1996

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 (6 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 in 1996

Trade Union Amalgamation

<i>Amalgamating Trade Unions</i>	<i>Forming</i>	<i>Amalgamation registered on</i>
National Union of Civil and Public Servants and Inland Revenue Staff Federation	Public Services Tax and Commerce Union	01.01.96

Trade Union Transfers of Engagements

<i>Engagements transferred from</i>	<i>To</i>	<i>Transfer registered on</i>
Scottish Health Visitors Association	UNISON - The Public Service Union	01.05.96
Procurators Fiscal Society	Association of First Division Civil Servants	19.06.96
National Union of Mineworkers (COSA) Region 5	National Union of Mineworkers (COSA) Region 4	06.08.96
Rosendale Union of Boot Shoe and Slipper Operatives	National Union of Knitwear Footwear and Apparel Trades	27.09.96
North of Ireland Bakers Confectioners and Allied Workers Union	Bakers Food and Allied Workers Union	31.12.96
Leeds Permanent Building Society Staff Association	Independent Union of Halifax Staff	31.12.96

Appendix 8

Political Funds of Trade Unions, 1995

(see paragraph 7.11)

	Number of Members contributing to the Political Fund (b) (1)	Number of Members exempt from contributing to the Political Fund (b) (2)	POLITICAL FUND (a)			
			Income	Expenditure	Fund at Beginning of Year	Fund at End of Year
			£ (3)	£ (4)	£ (5)	£ (6)
Amalgamated Engineering and Electrical Union	480,637	58,729	1,551,000	1,321,000	829,000	1,059,000
Associated Society of Locomotive Engineers and Firemen	15,265	476	58,376	64,587	82,067	75,856
Association of Her Majesty's Inspectors of Taxes	2,262	106	7,050	-	37,757	44,807
Association of University Teachers	28,918	413	24,695	12,013	44,789	57,471
Bakers Food and Allied Workers Union	27,390	7	56,643	53,589	(4,223)	(1,169)
Broadcasting Entertainment Cinematograph and Theatre Union	27,657	99	49,686	71,064	49,534	28,156
Ceramic and Allied Trades Union	22,016	190	90,920	71,114	160,636	180,442
Civil and Public Services Association	-	-	-	-	(4,368)	(4,368)
Communication Managers Association	12,620	883	15,588	21,814	25,604	19,378
Communication Workers Union	221,550	31,954	993,698	1,058,076	521,740	457,362
Educational Institute of Scotland	46,407	2,086	75,027	6,018	327,718	396,727
Fire Brigades Union	40,434	13,973	140,560	138,730	220,194	222,024
General Union of Associations of Loom Overlookers	267	183	1,108	247	267	1,128
GMB	683,032	57,287	2,649,000	2,561,000	385,000	473,000
Graphical Paper and Media Union	86,044	130,947	312,080	295,863	635,382	651,599
Inland Revenue Staff Federation	46,560	2,061	115,889	280,011	164,122	-
Institution of Professionals Managers and Specialists	67,742	1,699	40,645	19,214	60,506	81,937
Iron and Steel Trades Confederation	27,203	6,352	142,109	130,301	66,612	78,420
Manufacturing Science and Finance Union	177,674	268,326	567,000	445,000	93,000	215,000
Musicians Union	30,051	981	30,525	29,003	3,427	4,949
National Association of Colliery Overmen Deputies and Shotfirers	745	2	4,874	7,166	43,430(c)	41,138
National Association of Schoolmasters and Union of Women Teachers	132,503	101,343	65,815	53,474	111,500	123,841
National Association of Teachers in Further and Higher Education	59,908	2,700	79,294	192,583	194,681	81,392
National League of the Blind and Disabled	908	1,096	2,666	3,063	8,905	8,508
National Union of Civil and Public Servants	101,704	1,117	172,169	187,930	648,765	633,004

Political Funds of Trade Unions, 1995 *cont.*
(see paragraph 7.11)

Appendix 8

	Number of Members contributing to the Political Fund (b) (1)	Number of Members exempt from contributing to the Political Fund (b) (2)	POLITICAL FUND (a)			
			Income £ (3)	Expenditure £ (4)	Fund at Beginning of Year £ (5)	Fund at End of Year £ (6)
National Union of Domestic Appliances and General Operatives	590	8	1,224	1,168	1,299	1,355
National Union of Insurance Workers	8,260	2,207	13,267	7,529	78,497	84,235
National Union of Knitwear Footwear and Apparel Trades	43,067	736	114,074	128,656	75,625	61,043
National Union of Lock and Metal Workers	-	-	32	13,571	13,539	-
National Union of Mineworkers	6,955	598	80,955	95,489	224,973(c)	210,439
National Union of Rail Maritime and Transport Workers	58,380	870	222,000	203,000	74,000	93,000
Power Loom Carpet Weavers and Textile Workers Union	1,703	2	1,788	1,049	7,053	7,792
Retained Firefighters Union	-	-	-	-	5	5
Rosendale Union of Boot Shoe and Slipper Operatives	-	15	10	63	1,390	1,337
Scottish Carpet Workers Union	732	-	608	208	2,515	2,915
Society of Telecom Executives	10,376	8,175	43,227	11,765	143,043	174,505
Transport and General Workers Union	842,366	10,754	2,537,000	2,194,000	3,578,000	3,921,000
Transport Salaried Staffs Association	31,622	3,792	95,385	81,292	92,354	106,447
Union of Construction Allied Trades and Technicians	80,577	27,295	209,000	207,000	6,000	8,000
Union of Democratic Mineworkers	3,054	-	2,088	1,412	8,986	9,662
Union of Shop Distributive and Allied Workers	260,159	23,096	874,229	710,463	838,450	1,002,216
Union of Textile Workers	1,503	26	2,913	4,375	1,811	349
Unison-The Public Service Union	1,248,786	106,527	4,298,000	5,558,000	5,383,000	4,123,000
Total for the 43 unions with political funds for 1995	4,937,627	867,111	15,742,217	16,241,900	15,236,585	14,736,902
Total for the 47 unions with political funds for 1994 (d)	5,079,654	983,715	18,121,218	18,401,195	15,486,916	15,206,939

Notes:

- (a) The information in the table relates to the year 1995 and therefore to unions which were in existence at that time.
 (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.
 (d) The figures for 1994 are distorted due to the inclusion of figures for UNISON covering an 18 month period (see paras 4.11 to 4.14).

Appendix 9

(see paragraph 8.3)

Refunds of Ballot Costs, 1996

Trade Union	Amount Paid £
Amalgamated Engineering and Electrical Union	100,462
Associated Society of Locomotive Engineers and Fireman	4,429
Association of Her Majesty's Inspectors of Taxes	372
Association of Licensed Aircraft Engineers	162
Association of Teachers and Lecturers	17,263
Association of University Teachers	9,493
Banking Insurance and Finance Union	17,634
British Air Line Pilots Association	325
British Association of Colliery Management	715
British Association of Occupational Therapists Limited	2,604
British Dental Association	6,523
Broadcasting Entertainment Cinematograph and Theatre Union	3,217
Ceramic and Allied Trades Union	7,249
Chartered Society of Physiotherapy	3,049
Civil and Public Services Association	34,523
Communication Managers Association	1,259
Communication Workers Association	72,682
Community and Youth Workers Association	105
Educational Institute of Scotland	3,167
Electrical and Plumbing Industries Union	530
Engineers and Managers Association	2,656
General Union of Loom Overlookers	192
GMB	52,189
Graphical Paper and Media Union	1,227
Guild of Professional Teachers of Dancing	127
Immigration Service Union	1,669
Inland Revenue Staff Federation	12,432
Institute of Professional Managers and Specialists	11,554
Manufacturing Science and Finance Union	8,760
Musicians Union	5,168
National Association of Teachers in Further and Higher Education	25,738
National Federation of Sub-Postmasters	2,969

National League of the Blind and Disabled	573
National Union of Civil and Public Servants	14,854
National Union of Knitwear Footwear and Apparel Trades	6,803
National Union of Rail Maritime and Transport Workers	11,036
National Union of Teachers	8,882
NatWest Staff Association	1,071
Power Loom Carpet Weavers and Textile Workers Union	297
Prison Officers Association	11,269
Professional Association of Nursery Nurses	404
Royal College of Midwives	5,981
Secondary Heads Association	851
Society of Chiropodists and Podiatrists	2,300
Transport and General Workers Union	25,415
Undeb Cenedlaethol Athrawon Cymru (National Association of Teachers of Wales)	921
Union of Construction Allied Trades and Technicians	7,357
Union of Shop Distributive and Allied Workers	39,093
UNIFI	24,150
Unison - The Public Service Union	481,585
United Road Transport Union	486
Woolwich Independent Staff Association	582
Total	£1,054,355

Appendix 10

Current statutory fees applicable from 1 April 1996

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

	Current Fee
Application for entry in the list of trade unions	£134
Application for entry in the list of employers' associations	£134
Application for approval of a change of name	£84
Application for a certificate of independence	£3,761
Application for formal approval of an instrument of transfer of engagements or an instrument of amalgamation	£1,885
Inspection of merger documents	£44

Appendix 11

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 (1994)*
2. *Mergers: a guide to the statutory requirements for transfers of engagements and amalgamation of employers' associations (1994)*
3. *Guidance for trade unions wishing to apply for a certificate of independence (1992)*
4. *Guidance for trade unions and employers' associations wishing to establish a political fund (1994)*
5. *A guide to political fund review ballots (1993)*
6. *Financial Irregularities in Trade Unions and Employers' Associations. The approach of the Certification Officer in exercising his powers of investigation (1995)*
7. *Annual Reports of the Certification Officer*

Appendix 12

"Industrial Action and Trade Unions" (See Introduction)

- letter sent by the Certification Officer to the Secretary of State for Trade and Industry.

"This letter contains comments on those two aspects of this Green Paper which affect my role as Certification Officer. I am not commenting on any other aspect. I am though taking this opportunity to point to some further areas where change or clarification in the legislation would make operational sense.

The proposals in para 3.12 to require trade unions to (i) notify their members of forthcoming elections and nomination procedures and (ii) state explicitly the conditions to be met if votes are to be counted as valid, pick up on observations I have made in deciding two particular cases.

On the first of these as I said in my original observations there is no need for the statute to specify detailed nomination procedures. It would be sufficient for unions to be required to have and apply notification and nomination procedures. The simultaneous announcement through the usual union channels of an election, of nomination procedures and of the name of the scrutineer would make operational sense. If this route was followed it would also seem sensible to require the scrutineers report in an uncontested election to cover just the notification and nomination procedures.

On the second, explicitly ruling out multiple voting, voting on behalf of someone else or voting on a paper addressed to someone else would clarify the law as it impacts on rigged elections. Care would be needed in drafting to protect the rights of blind and disabled people to cast valid votes.

I turn now to two matters not dealt with in the Green Paper but to which consideration might be given in framing amendments to the 1992 Act.

First the definition of a member of a trade union. At various places the 1992 Act gives specific rights to trade union 'members'. Nowhere though does it define what constitutes a 'member'. Most unions have more than one category of member eg. honorary members, associate members, retired members, limited members, full members, unemployed members, members on career breaks. These members may pay full, part or no subscription. On a strict reading of the Act all of these categories have the same full rights under the Act. Whilst it may make sense to allow any category of member to complain about a union's activity or to receive details of its finances, it is more questionable whether honorary or retired members who pay at most only nominal subscriptions should be entitled to vote in a merger ballot. Indeed the Employment Appeal Tribunal ruled that I was wrong to declare that the Yorkshire Area of the National Union of Mineworkers should include limited members (who paid half rate subscriptions) in a merger ballot. Some clarification of which members have what rights would be helpful to me and to unions and their members.

Secondly the circumstances under which a trade union can decide to re-run an election (or a merger ballot) when it discovers that a ballot has not been conducted in accordance with the Act. Some union rule books allow the Executive to order a re-run where union rules (and also presumably statutory provisions) have been breached. Other rule books are silent on the matter. The discovery of irregularities may occur during the balloting period, after the balloting closes but before the scrutineer reports, when the scrutineer reports but before the result is declared, after the result is declared, or only after the Certification Officer has determined a complaint. Where the rule book is silent on the matter it is not clear in what circumstances a union can order a re-run of a ballot.

Unions would seem to have a strong but not necessarily conclusive case when the irregularity is discovered before balloting ends or where the Certification Officer has issued a declaration. In other cases there would be a severe risk of accusations that the original ballot had been declared void for political reasons. Even in the cases where this does not arise not all of the actions which the Certification Officer declares breach the statutory provisions would justify ordering a re-run of the ballot. For example failing to notify members that they can have a copy of the scrutineers report is a technical breach which could not conceivably influence the outcome of the ballot.

A related problem is that the legislation is unclear on the effects of a declaration by the Certification Officer that election provisions have been breached. With such a declaration it is clear that the office holder concerned does not hold office on the basis of an election satisfying the statutory requirements. The Act is also clear that a declaration by the Certification Officer does not invalidate actions taken up until that point but it is unclear about the effect on actions taken after the declaration. Again the fact that the law does not provide for a distinction between technical and substantive breaches has to be borne in mind.

It is not for me to make policy but I will suggest that one way round these difficulties would be to amend the 1992 Act to the effect that the Certification Officer could, on complaint by a member, or application by a union, (i) issue a declaration at any stage during and after an election that the election did not meet the statutory requirements; and also, if he thought it appropriate, (ii) order a re-run of the ballot within a defined time period after which actions taken by those holding posts covered by the order would be invalid. This would entail an extension of the Certification Officer's powers. But he already has the power to order a re-run in the case of a merger ballot; it would avoid a member having to go to court to secure an order for a new election ballot; and it would enable the Certification Officer to assist unions and scrutineers to scrap ballots which clearly involve breaches of the statutory requirements.

I hope these comments which reflect my four years experience as Certification Officer are helpful. You may wish to note that I shall be including them in my forthcoming annual report."