

CERTIFICATION OFFICE FOR TRADE UNIONS
AND EMPLOYERS' ASSOCIATIONS

Certification Office
for Trade Unions and Employers' Associations

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Annual Report of the Certification Officer 1983

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**Annual Report
of the Certification Officer
1983**

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I have pleasure in sending you the report on my activities during 1983.

ALAN BURRIDGE
Certification Officer

17 February 1984

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INTRODUCTION

This is the eighth Annual Report to be published since the post of Certification Officer was established under section 7 of the Employment Protection Act 1975. It covers my activities during the calendar year 1983.

During 1983 there were no changes in my functions which involve the following responsibilities:—

under the Trade Union Act, 1913—for ensuring observance of the statutory procedures governing the setting up and operation of political funds, and for dealing with complaints by members about breaches of political fund rules;

under the Trade Union (Amalgamations, etc.) Act 1964—for seeing that the statutory procedures for transfers of engagements, amalgamations and changes of name are complied with, and for dealing with complaints by members about the conduct of merger ballots;

under the Trade Union and Labour Relations Act 1974—for maintaining lists of trade unions and employers' associations; for seeing that these organisations keep accounting records, have their accounts properly audited and submit annual returns; and for ensuring that the statutory requirements concerning the actuarial examination of members' superannuation schemes are observed;

under the Employment Protection Act 1975—for determining the independence of trade unions;

under the Employment Act 1980—for reimbursing certain expenditure incurred by independent trade unions in conducting secret postal ballots for specified purposes in accordance with the provisions of a Scheme made by Regulations of the Secretary of State for Employment.

A separate chapter discusses each of these functions.

Public interest in the internal affairs of trade unions continued throughout 1983 stimulated by the publication, successively, of the Government's Green Paper "Democracy in Trade Unions"; the "Proposals for Legislation on Democracy in Trade Unions"; and the Trade Union Bill. The trend towards mergers made substantial demands on the resources of my Office throughout the year. The other functions of the Office have continued at much the same level as in 1982. In particular, the interest in funds available for trade union ballots was virtually unchanged and eleven of the fifteen unions which made applications during the year had applied on previous occasions. Some fresh problems did arise, however, from my consideration of applications for certificates of independence from newly-formed trade unions in areas of the public sector already dominated by large established unions.

For the first time since 1979 the year saw no formal hearings of complaints under the 1913 or 1964 Acts. There were in fact fifty written enquiries from trade union members affected by three mergers but in the event these were not pursued. Twenty-one trade union members lodged new complaints about alleged breaches of political fund rules. Twenty-three political fund complaints were settled during the year of which twenty-two were resolved by agreement usually following action or explanation from the union concerned. The exception related to my decisions on the multiple political fund complaints by Mr E M L Parkin against his union, the Association of Scientific Technical and Managerial Staffs, heard in 1982, which were published in February 1983. Four of the nine decisions were the subject of appeal to the Employment Appeal Tribunal but the appeals were all dismissed.

The Office continued to receive valuable professional advice on superannuation and accounting matters from the Government Actuary's Department and the Government Accountancy Service respectively.

The Advisory, Conciliation and Arbitration Service remains responsible for providing me with the finances and support services necessary for the performance of my statutory duties but this in no way affects the exercise of my functions independently both of the Service and of the Secretary of State for Employment.

Mr M V Scott and Mr J L J Craig, WS, continued to hold their appointments as Assistant Certification Officer and as Assistant Certification Officer for Scotland respectively.

Accounts of the Office prepared under paragraph 35 of Schedule 1 to the Employment Protection Act 1975, are published separately by order of the House of Commons. The accounts for the year ended 31 March 1983 are reproduced at Appendix 10. The net cost of the Office for that period was £216,607. The statutory fees to be paid for certain items of work undertaken by the Office were not increased during 1983.

Lists of Trade Unions and Employers' Associations

Entry in the lists and its significance

1.1 In accordance with section 8 of the Trade Union and Labour Relations Act 1974 lists of trade unions and employers' associations are maintained by the Certification Office.

1.2 Listing is voluntary and any organisation of workers or of employers may apply to be listed. If the Certification Officer is satisfied that the organisation falls within the definition in section 28 of the 1974 Act, he must enter its name in the relevant list. Entry into 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. Section 28 is reproduced in full at paragraph 1.13.

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 applying for a certificate of independence under section 8 of the Employment Protection Act 1975; it also entitles them to tax relief for expenditure on provident benefits. There are no corresponding advantages for employers' associations.

1.5 Copies of the current lists may be inspected free of charge at the Certification Office, 15/17 Ormond Yard, Duke of York Street, London SW1Y 6JT. For organisations having their head office in Scotland the lists may be inspected 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 employers' association, he may, after giving the organisation concerned the opportunity to make representations, remove its name from that list. The Certification Officer must also remove the name of an organisation from a list if he is satisfied that it no longer exists or if the organisation requests that he should do so. There is a right of appeal to the Employment Appeal Tribunal against removal of a name from a list.

The lists at 31 December 1983

1.7 As required by section 8(9) of the 1974 Act this Report includes the lists as at 31 December 1983. These are reproduced as Appendices 1 and 2. The lists at that date comprised 442 trade unions and 157 employers' associations.

Changes in the lists

1.8 Changes during 1983 are summarised in the table below:—

	On lists at 31 December 1982	Changes between 1 January 1983 and 31 December 1983		On lists at 31 December 1983
		Additions	Removals	
Trade Unions	462	8	28	442
Employers' Associations	166	Nil	9	157

1.9 The 8 additions to the list of trade unions consisted of 6 newly-formed unions of which two were formed by amalgamations; and two existing unions which had not previously applied for listing. Of the 28 trade unions removed from the list 8 had ceased to exist because of mergers, 19 had been dissolved, and one was removed at its own request. One application for listing was refused.

1.10 Of the 9 employers' associations removed from the list, one ceased to exist because of a merger, 7 had been dissolved, and one ceased to meet the statutory definition in section 28.

Unlisted bodies

1.11 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 there were at the end of the year 60 trade unions and 218 employers' associations which submit annual returns to the Office but which had not sought to be listed. There may be others meeting the requirements of section 28 of which the Office is unaware.

Liaison with the Department of Employment

1.12 The information collected by the Office provides the main basis for updating the Department's Directory of Employers' Associations, Trade

Unions, Joint Organisations, etc. and for compiling its annual statistics of numbers and membership of trade unions.*

Trade Union and Labour Relations Act 1974—Section 28

1.13 Section 28 reads as follows:—

28.—(1) In this Act, except so far as the context otherwise requires, "trade union" means an organisation (whether permanent or temporary) which either—

(a) consists wholly or mainly of workers of one or more descriptions and is an organisation whose principal purposes include the regulation of relations between workers of that description or those descriptions and employers or employers' associations; or

(b) consists wholly or mainly of—

(i) constituent or affiliated organisations which fulfil the conditions specified in paragraph (a) above (or themselves consist wholly or mainly of constituent or affiliated organisations which fulfil those conditions), or

(ii) representatives of such constituent or affiliated organisations;

and in either case is an organisation whose principal purposes include the regulation of relations between workers and employers or between workers and employers' associations, or include the regulation of relations between its constituent or affiliated organisations.

(2) In this Act, except so far as the context otherwise requires, "employers' association" means an organisation (whether permanent or temporary) which either—

(a) consists wholly or mainly of employers or individual proprietors of one or more descriptions and is an organisation whose principal purposes include the regulation of relations between employers of that description or those descriptions and workers or trade unions; or

(b) consists wholly or mainly of—

(i) constituent or affiliated organisations which fulfil the conditions specified in paragraph (a) above (or themselves consist wholly or mainly of constituent or affiliated organisations which fulfil those conditions), or

*For the 1982 statistics, see the Employment Gazette for January 1984 pages 18 to 20.

- (ii) representatives of such constituent or affiliate organisations;

and in either case is an organisation whose principal purposes include the regulation of relations between employers and workers or between employers and trade unions, or include the regulation of relations between its constituent or affiliated organisations.'

Trade Union Independence

The statutory provisions

2.1 Section 30(1) of the Trade Union and Labour Relations Act 1974 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.'

2.2 The procedure for determining the independence of trade unions is laid down in section 8 of the Employment Protection Act 1975. The Certification Officer must keep a public record of all applications for certificates of independence 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 and must take into account any relevant information submitted by third parties. He is required to give his reasons for a refusal and the union concerned then has the 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. Where he proposes to do so he must notify the trade union of the proposal and must also follow, with appropriate modifications, the procedure for dealing with an application for a certificate of independence described in paragraph 2.2 above. As in the case of a refusal, a trade union aggrieved by a decision to withdraw its certificate has the 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 ACAS or certain other bodies, the Act enables that question to be referred to the Certification Officer for decision.

Working methods

2.5 The working methods used by the Office in considering applications for certificates of independence continued unchanged during the year. Essentially, they consist of a scrutiny of the applicant union's rules and finances, followed where necessary by detailed investigation. The process of monitoring the affairs of selected unions continued.

Criteria

2.6 The principal criteria used by the Certification Officer in determining whether or not an applicant union satisfies the statutory definition remained unchanged. These were fully discussed in the first Annual Report* under the following headings:—

- History
- Membership base
- Organisation and structure
- Finance
- Employer-provided facilities
- Collective bargaining record.

The decision is reached on the basis of the criteria as a whole and not on the grounds of a union's success or failure in one area alone.

2.7 It is not always realised that the Certification Officer's function is confined to answering the question "Does this union come within the statutory definition or not?". The legislation does not require him — nor indeed enable him — to take other considerations into account: for example, the effect which the issue of a certificate might have on good industrial relations or on collective bargaining structures, or whether the development of a new trade union in a particular area is desirable or not. Nor does it allow him to take account of effectiveness as distinct from independence, except to the extent that the two concepts overlap. This is of particular significance in considering applications from newly formed unions whose members are recruited from areas traditionally served by established trade unions, and whose applications tend to attract objections from those unions.

2.8 During 1983 a total of 5 objections were received in respect of two applications. Four of these objections were lodged by trade unions and the fifth by an employer. It is the practice of the Certification Officer to meet objecting organisations in order to give them the opportunity to explain more fully their objections. One such meeting was held during the year. A meeting to discuss objections to the other application had still to be arranged.

Applications

2.9 Nine applications for certificates were received during 1983 compared with 7 in 1982. Two were made by trade unions newly-formed as a result of amalgamations. One of these applications was from the General Municipal Boilermakers and Allied Trades Union where both the amalgamating unions had previously held certificates. The other was from the North West Lancashire Durham and Cumbria Textile Workers Union and in that case three of the four unions involved in the amalgamation had previously held certificates.

* Annual Report 1976 paras 2.16 — 2.25. Copies of these paragraphs are available on request.

Decisions

2.10 During the year 13 certificates were issued. No application was refused. Eleven certificates were cancelled because the union concerned had ceased to exist. Amalgamations and transfers of engagements accounted for 8 of these cancellations. Details are given in Appendix 3.

2.11 Cumulative totals from 1 February 1976 to 31 December 1983 are as follows:—

Certificates issued and in force	274
Certificates issued and subsequently cancelled	72
Applications refused	50
Applications withdrawn or lapsed	11
Applications under consideration at 31 December 1983	5
Applications in abeyance awaiting further union action	3
Total number of applications received (including references by ACAS)	415

The 72 cancelled certificates consisted of 62 where the union had ceased to exist because of a merger, 8 where the union had been dissolved and two where the organisation concerned ceased to be a trade union within the meaning of section 28* of the 1974 Act.

*See paragraph 1.13.

Annual Returns and Accounts

The statutory provisions

3.1 Section 10 of the Trade Union and Labour Relations Act 1974 provides that every trade union and employers' association (except one which consists wholly or mainly of representatives of constituent or affiliated organisations) must keep proper accounting records in respect of its transactions, assets and liabilities, and 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 section 11 of the Act the 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 prescribed form. Schedule 2 provides that the return is to include revenue and other accounts and a balance sheet, which must give a true and fair view of the matters to which they relate. The return must also show any changes in the organisation's officers or in the address of its head office and must be accompanied by a copy of the rules in force at the end of the period.

3.3 Schedule 2 to the Act prescribes that annual returns must be submitted before 1 June in each year. The return normally covers the year ending the preceding 31 December but, by direction of the Certification Officer, a different accounting period may be used if the normal timetable would cause serious inconvenience to the organisation concerned. Five such directions were issued during 1983.

3.4 Schedule 2 also stipulates that the annual return is to include a copy of the auditor's report on the accounts and confers extensive powers on auditors who must be professionally qualified unless the organisation's receipts and payments, membership and assets are below a specified level, or certain other special circumstances apply. The Schedule contains detailed provisions about the qualifications, appointment and removal of auditors and confers on them certain rights to have access to books and information and to attend and speak at general meetings of the organisation.

3.5 The auditor's report 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 the statutory requirements have not, in his opinion, been satisfied, or if he fails to obtain all the necessary information and explanations, he must say so in his report.

3.6 Provided the period covered is the same and there is no significant diminution in the degree of disclosure, a trade union 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 on the return form and this report must comply with the requirements of the Trade Union and Labour Relations Act 1974.

3.7 With the exceptions already noted, the duties imposed by sections 10 and 11 and by Schedule 2 apply to all trade unions and employers' associations, whether listed under section 8 of the Act 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 he is not empowered to carry out detailed investigations into the finances of trade unions or employers' associations or to undertake prosecutions for such offences as embezzlement or fraud which are dealt with under the ordinary criminal law.

Compliance with the statutory provisions

3.8 It was pointed out last year that the main difficulties which had been troubling organisations in complying with the Act's requirements—the inclusion and auditing of branch transactions and balances—have been largely overcome. During 1983 the Office concentrated on other problems. The Act requires that, unless otherwise directed by the Certification Officer, the annual return of a trade union or employers' association is to be submitted before 1 June in the year following. Many organisations meet that date; but there are some which find it difficult to do so: for example because of the time needed to produce consolidated, audited accounts including those of an extensive branch structure. The Office introduced tighter reminder procedures during the year and discussed with a number of organisations their problems in meeting the correct submission date. Thanks to the customary co-operation of all concerned there was a considerable improvement in 1983. It is expected that this improvement will continue and will lead to the availability for the public record of most returns by the appropriate date.

3.9 As always occurs, the scrutiny by the Office of annual returns submitted by trade unions and employers' associations for the year ended 31 December 1982 raised doubts in a number of cases about compliance with the accounting provisions of the Act. These doubts usually come to light because the auditor in

his report on the organisation's accounts is unable to give an unqualified opinion that the accounts give a true and fair view of the matters to which they relate. Various problems affecting smaller organisations arose during the year covering such matters as the omission of branch accounts from the annual return and the failure to complete correctly the annual return form. In all cases the Office received full co-operation from the organisations concerned and the matters were quickly resolved by correspondence or discussions. Major problems affecting three larger unions are taking longer to resolve although some progress was made during the year.

3.10 A particular issue affected a number of employers' associations. Many employers' associations are organisations incorporated under the Companies Acts, and, as mentioned in paragraph 3.6 above, may submit as part of their annual return a copy of their accounts prepared under the Companies Acts. As indicated in paragraph 3.6 such an arrangement only complies with the requirements of the Trade Union and Labour Relations Act 1974 if a separate auditor's report is made on the annual return form in accordance with the provisions of that Act. During the course of the year this matter was taken up with the employers' associations concerned and their response indicates that this requirement is unlikely to cause any serious difficulties.

Returns for 1982

3.11 The customary statistical information derived from the annual returns is given at Appendices 4-6. It has to be emphasised that this statistical information and the following comments in this chapter relate to the year 1982. They do not relate to 1983 because the Office's information is derived from the annual returns (which include audited accounts) for 1982 submitted during the year covered by this Report.

3.12 At the end of 1982 there were 23 trade unions with over 100,000 members. These included three new trade unions formed by amalgamations in 1982:—

General Municipal Boilermakers and Allied Trades Union;
National Graphical Association (1982); and
Society of Graphical and Allied Trades 1982 (SOGAT).

This is the first year when new unions with memberships exceeding 100,000 have been formed during the period under review, and this has affected the statistical information given in Appendix 4. Under the provisions of the Act a newly-formed trade union is not required to submit an annual return until it has been in existence for 12 months. Accordingly, a return for year ended 31 December 1982 has not been submitted by any of these three trade unions and statistical information in respect of them is not therefore included in the

Appendix. However the Appendix includes statistical information in respect of the trade unions which formed the amalgamations but ceased to exist during 1982 namely:—

National Union of General and Municipal Workers;
Amalgamated Society of Boilermakers Shipwrights Blacksmiths and Structural Workers;
National Graphical Association;
Society of Lithographic Artists Designers Engravers and Process-Workers;
Society of Graphical and Allied Trades 1975;
National Society of Operative Printers Graphical and Media Personnel.

3.13 Appendix 6 shows that at the end of 1982 there were 28 employers' associations with an income of over £500,000. It is of interest that for the first time this list includes a Scottish-based organisation—the National Farmers Union of Scotland.

3.14 The total of 838 returns received for 1982 was made up as follows:—

Listed trade unions	454
Unlisted trade unions	43
Listed employers' associations	152
Unlisted employers' associations	189

Trade Unions

3.15 Statistics about the membership and finances of trade unions derived from 1982 returns are given in Appendix 4, together with comparative totals for 1981. Separate figures are shown for unions with over 100,000 members (see paragraph 3.12 above) together with aggregate figures for other listed and unlisted unions.

3.16 *Comparability with 1981 figures.* The statistics in Appendix 4 are based on 497 returns from 456 unions compared with 512 returns from 482 unions for 1981. Even though the Appendix omits figures relating to three large trade unions formed by amalgamation in 1982, the figures are broadly comparable with 1981 because the six trade unions which formed the three amalgamations are included each having submitted an annual return to the date in 1982 when it ceased to exist.

3.17 *Membership.* The trade unions from which returns were received had a total membership of about 11,744,000. The major unions with a membership of over 100,000 named in the Appendix accounted for 9,200,000 members or about 79 per cent of the total.

3.18 Total trade union membership fell during the year by about 600,000 compared with 1981. Thus the decrease in membership which was noted in the 1981 Annual Report continues.

3.19 The following table shows changes of 10,000 or more in the membership of individual unions between December 1981 and December 1982.

Changes in Trade Union Membership

	Membership (000's)		
	1981	1982	Differences
<i>Increases:—</i>			
Royal College of Nursing of the United Kingdom	197	223	+ 26
<i>Decreases:—</i>			
Transport and General Workers Union	1,696	1,633	– 63
Amalgamated Union of Engineering Workers—Engineering Section	1,024	1,002	– 22
Union of Shop Distributive and Allied Workers	438	417	– 21
Association of Scientific Technical and Managerial Staffs	428	410	– 18
Union of Construction Allied Trades and Technicians	275	261	– 14
Amalgamated Union of Engineering Workers—Technical Administrative and Supervisory Section	186	172	– 14
Association of Professional Executive Clerical and Computer Staff (APEX)	123	109	– 14
National and Local Government Officers Association	739	726	– 13
Electrical Electronic Telecommunication and Plumbing Union	429	416	– 13
Civil and Public Services Association	210	199	– 11

3.20 *Income.* Trade union income consists mainly of income 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. It should be emphasised however that such transactions would be of an exceptional and occasional nature.

3.21 In 1982 the gross income of trade unions was £369.6 million compared with £335.9 million in 1981. Income from members rose from £284.5 million to £298.1 million, reflecting higher subscription rates. Income from investments rose from £23.9 million to £31.4 million.

3.22 *Expenditure.* Gross expenditure rose from £303.2 million in 1981 to £310.4 million in 1982. Payments on unemployment and dispute benefit fell and administration expenses increased compared with 1981 as the following table shows:—

Changes in Expenditure			
	1981 (£ million)	1982 (£ million)	Percentage change
Gross expenditure including:—	303.2	310.4	+2.4%
(a) total benefits to members including	37.8	35.8	–5.3%
(i) unemployment benefit	3.2	1.7	–46.9%
(ii) dispute benefit	9.1	7.1	–22.0%
(b) administration expenses and other outgoings*	223.6	235.1	+5.1%

3.23 The table below shows the average contribution and total income per member in 1982 together with average expenditure on benefits and administration and total expenditure per member. Similar figures are included for 1981.

Average annual income per member			Average annual expenditure per member				
	Total income per member	Average contribution received	Unemployment benefit	Dispute benefit	All benefits	Administration expenses and other outgoings	Total expenditure
1982	3147p	2538p	15p	61p	305p	2002p	2643p
1981	2729p	2310p	26p	74p	307p	1816p	2462p

The amounts given are based on total membership which was smaller in 1982 than in 1981. In some unions not all members contribute for every benefit.

3.24 *Funds.* The figures given in Appendix 4 include both general funds and others where applicable, eg. contingency, superannuation and political funds.† During 1982 total funds increased from £351.1 million to £431.1 million.

*As pointed out in previous reports, expenditure under this heading covers a range of services to members which include not only the employment of full-time officials but also the training of shop stewards and others and the provision of legal and other advisory services.

†Separate figures for political funds are given in Appendix 5.

3.25 Assets. At the end of 1982 gross assets of trade unions amounted to £475.4 million, of which £126.8 million were fixed assets and £214.9 million were investments. Total assets increased by £87.1 million and fixed assets by £22 million. Investments increased by £27.8 million.

Employers' associations

3.26 Statistics about the finances and membership of employers' associations derived from the 1982 returns are given in Appendix 6, together with comparative totals for 1981. Separate figures are given for each association (including some which are unlisted) whose return for 1982 showed its total income as more than £500,000. Aggregate figures are given for other listed and unlisted employers' associations.

3.27 Comparability with 1981 figures. The statistics in Appendix 6 are based on returns from 341 employers' associations compared with returns from 347 associations for 1981. The largest employers' associations, as measured by total income, are included in both sets of figures, which are therefore broadly comparable.

3.28 Income and expenditure. In 1982 the gross income of employers' associations was £77.5 million compared with £74.2 million in 1981. Income from members rose from £50.7 million to £55.4 million and income from investments rose from £4.5 million to £5.5 million. Gross expenditure increased from £71.4 million to £75.3 million.

3.29 Funds The figures given in the Appendix include both general funds and, where applicable, funds maintained for specific purposes. During 1982 total funds increased from £37.4 million to £40.6 million.

3.30 Assets At the end of 1982 gross assets of employers' associations amounted to £70.5 million of which £20.4 million were fixed assets and £22.7 million were investments. Total assets increased by £9.7 million, fixed assets by £1.9 million and investments by £1.1 million.

Public inspection of annual returns

3.31 Copies of the annual returns (including the rules) of trade unions and employers' associations from 1974 onwards are available for public inspection at the Certification Office (or the office of the Assistant Certification Officer for Scotland), and photocopies can be purchased on request.

The Accountancy Bodies' Guidance Statement

3.32 Because of the need to consider any possible changes resulting from the introduction of new legislation, the issue of the up-dated guidance statement foreshadowed in the Annual Report for 1982 did not take place in 1983.

Superannuation Schemes

The statutory provisions

4.1 The Trade Union and Labour Relations Act 1974 (as amended) requires that any members' superannuation scheme maintained by a trade union or employers' association* 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, or from periodical re-examination, if he is satisfied that, by reason of the small number of members to which the scheme is applicable, or for any other special reasons, it is unnecessary for the scheme to be examined. No trade union or employers' association may maintain a members' superannuation scheme, whenever established, 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 shall be supplied free of charge to any member of the trade union or employers' association on application.

The actuarial report

4.2 The statutory provisions require that the report made 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.

Number of schemes

4.3 There was no change during 1983 in the number of schemes known to the Office as falling within the scope of the Act, but during the year one further scheme—maintained by the Colne and District Textile Warehouse Association—was added to the list of those exempt from actuarial examination under the provisions referred to in paragraph 4.1. At the end of the year there were 29 schemes maintained by 22 unions. Nine of these schemes were exempt from actuarial examination.

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

Reports received in 1983

4.4 During 1983 no reports were due to be submitted. Two reports outstanding at the end of 1982 were received early in 1983 and only one report was outstanding at the end of the year. This was in respect of the scheme maintained by the National Graphical Association (Plate Preparers Section)*.

*Report since received.

Chapter 5

Amalgamations, Transfers of Engagements and Changes of Name

The statutory provisions

5.1 The Trade Union (Amalgamations, etc.) Act 1964 ('the Act') and the Trade Unions and Employers' Associations (Amalgamations, etc.) Regulations 1975, as amended, lay down procedures governing two types of mergers – *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.

5.2 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 and all the amalgamating bodies cease to exist.

5.3 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. These documents are formally submitted to the Certification Officer and must have his approval before a ballot of members can be held to approve the instrument.

5.4 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, application to register the instrument is made to the Certification Officer.

5.5 An interval of six weeks must elapse between 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. If after hearing both sides the Certification Officer finds the complaint justified he may make an order specifying the steps which must be taken before he will register the instrument. There is a right of appeal against the Certification Officer's decision to the Employment Appeal Tribunal on a question of law.

5.6 The Office's *Guide to Transfers of Engagements and Amalgamation* explains these procedures in detail and sets out, with explanatory notes, the matters which are required to be included in the instrument of transfer or amalgamation. The Guide is now well known and may be obtained free of charge from the Office. During the year about 100 copies were issued. The Guide stresses the need for early contact between the Office and the parties to mergers. Initial drafts of merger documents should be submitted to the Office at least eight weeks before the date on which it is proposed to begin voting; otherwise it may not be possible for voting to begin on that date. The Office will offer advice where needed and is always prepared to meet officials wishing to discuss procedures, particular problems and practicable timetables. During the year such meetings were a regular feature and covered a wide range of subjects.

5.7 Formal documents kept by the Certification Officer relating to any merger under the Act are available for public inspection. The current statutory charge is £1.25.

Mergers effected

5.8 During 1983 the procedures laid down by the Act were used to effect 8 transfers of engagements and one amalgamation of trade unions. There was one transfer of engagements but no amalgamation of employers' associations. The details are given in Appendix 7.

5.9 The mergers of trade unions which took place during the year involved 65,320 members. They were mainly the transfers of engagements of small trade unions to larger ones. However, the transfer of engagements of the National Union of Sheet Metal Workers Coppersmiths and Heating and Domestic Engineers to the Amalgamated Union of Engineering Workers—Technical Administrative and Supervisory Section involved 54,613 members.

Mergers not effected

5.10 Two proposed transfers of engagements were not pursued following adverse votes by the members of the transferor unions.

Present position

5.11 During 1983 the Office dealt with 29 proposed mergers. Ten mergers took place, two did not proceed and 17 proposed mergers of trade unions were in progress at the end of the year. At that time it was known that there was a possibility of another 21 taking place.

Complaints

5.12 The 1981 Annual Report set out the grounds on which a member of a trade union may complain to the Certification Officer under section 4(1) of the Act about a ballot to approve an instrument of amalgamation or transfer. It also explained the Certification Officer's powers to deal with such a complaint.

5.13 During 1983 the Certification Officer received 50 letters about aspects of the conduct of three proposed mergers. Three of these letters related to the proposed transfer of engagements of the Association of Management and Professional Staffs to the Electrical Electronic Telecommunication and Plumbing Union: two did not amount to complaints under the Act and the third was not pursued. One concerned the proposed transfer of engagements of the National Union of Sheet Metal Workers Coppersmiths and Heating and Domestic Engineers to the Amalgamated Union of Engineering Workers—Technical Administrative and Supervisory Section but again the matter was not pursued. The remaining 46 related to the proposed amalgamation of the National Association of Theatrical Television and Kine Employees (NATTKE) and the Association of Broadcasting and Allied Staffs (ABS) discussed below.

NATTKE AND ABS

5.14 A ballot was held in October/November 1983 in which the membership of both NATTKE and ABS voted on a resolution to approve an amalgamation. A majority of those voting approved the terms of the instrument of amalgamation and application was made to the Certification Officer for registration of the instrument. Registration, due to take place on 30 December, was delayed because at that date 21 NATTKE members from one branch in Leeds had made formal complaints to the Certification Officer under section 4(1) of the Act. A further 25 NATTKE members from the same branch had written to the Certification Officer about aspects of the ballot and at the end of the year investigations were being made to establish whether any of these enquiries amounted to a complaint under the Act. Arrangements were made for a hearing of complaints to take place in Leeds on 26 January 1984.*

Changes of name

5.15 The 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. During 1983 such approval was given to 5 trade unions and one employers' association.

*However, all outstanding complaints were withdrawn prior to the hearing date and the instrument of amalgamation was registered on 1 February 1984.

Political Funds

The statutory provisions

6.1 The Trade Union Act, 1913, as amended, enables a trade union or an unincorporated employers' association (whether listed or not) to include the furtherance of political objects, as defined in the Act, among the objects of the organisation and to adopt political fund rules providing for the expenditure of funds on such objects. The proposal to do so must be endorsed by a simple majority in a ballot of the members held under rules approved by the Certification Officer, by whom the rules governing the political fund must also be approved.

6.2 The Act requires the rules* to provide, among other things, that any payments in the furtherance of the political objects set out in the Act are to be made out of a separate political fund; that members who give notice of their objection in accordance with the Act must be exempted from any obligation to contribute to that fund; that such 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) by reason of their being exempt; and that contribution to the political fund shall not be made a condition for admission to the organisation.

6.3 Members wishing to claim exemption must give notice of their objection in the form laid down in the 1913 Act or in a form to the like 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 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 periodical contribution and for enabling each member to know what portion, if any, of his contribution is a contribution to the political fund.

6.4 Any member of an organisation who alleges that he is aggrieved by a breach of a political fund rule may complain to the Certification Officer under section 3(2) of the 1913 Act. If, after giving the complainant and the organisation an opportunity to be heard, the Certification Officer considers that a breach has occurred, he may make an order for remedying it. Under section 5A of the 1913 Act an appeal against the decision of the Certification Officer may be made to the Employment Appeal Tribunal on a question of law.

*The Office provides model political fund rules on request.

Number of organisations maintaining political funds at 31 December 1983

6.5 Last year it was reported that at the end of the year there were 62 trade unions and two employers' associations which maintained political funds.* However, one of the trade unions had ceased to exist, and another was administering a fund as a component part of a parent union and not on its own behalf. The number of trade unions maintaining a political fund at the end of 1982 was therefore 60.

6.6 During 1983 one new political fund was established: by the Society of Telecom Executives. One union with a political fund ceased to exist as a result of a merger, and one rescinded its political fund rules. The figures at 31 December 1983 were therefore 59 trade unions and two employers' associations. Trade unions with political funds at that date are identified in Appendix I.

Political funds of trade unions at 31 December 1982

6.7 Detailed information about the political funds of trade unions is derived from the unions' annual returns. The latest available information covers the financial year to 31 December 1982 and is given in Appendix 5. The Appendix refers to the returns of 63 trade unions although at the end of the year only 60 maintained political funds. This is because 6 unions which had maintained a political fund during part of 1982 were involved in amalgamations in that year. Three new unions were formed by those amalgamations and as a consequence three new political funds were established in place of the previous six. The new unions were:—

General Municipal Boilermakers and Allied Trades Union;
National Graphical Association 1982;
Society of Graphical and Allied Trades 1982 (SOGAT).

The provisions of the Trade Union and Labour Relations Act 1974 do not require a newly formed trade union to submit an annual return until it has been in existence for 12 months. Accordingly a return for the year ended 31 December 1982 has not been submitted by any of these three trade unions. However, Appendix 5 does include statistical information in respect of the 6 trade unions which ceased to exist as a result of the amalgamations, namely:—

National Union of General and Municipal Workers;
Amalgamated Society of Boilermakers Shipwrights Blacksmiths and Structural Workers;
National Graphical Association;
Society of Lithographic Artists Designers and Process-Workers;
Society of Graphical and Allied Trades 1975;
National Society of Operative Printers Graphical and Media Personnel.

*Annual Report 1982 paragraph 6.6.

6.8 Annual returns showed the total income of political funds as £7.1 million in 1982 compared with £6 million in 1981, and expenditure £5.9 million as compared with £4.8 million. Total funds at the end of 1982 were £7.6 million compared with £6.5 million at the end of 1981.

6.9 At 31 December 1982 the trade unions concerned had a total membership of about 8 million. The figures given in the annual returns for that year indicate that about 6.5 million or 81 per cent of the total were contributing to the political funds.* This percentage shows no change compared with the previous year.

6.10 Column 3 of Appendix 5 gives the percentage of each union's total membership contributing to the political fund. 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 are required neither to pay the political levy nor to seek formal exemption. Accordingly the figures do not necessarily reflect accurately the proportion of ordinary members who have exercised their rights under the 1913 Act to be exempt from making the political contribution. If the number of members in these special categories is substantial the proportion of total membership paying the levy will be reduced accordingly.

6.11 Exemption notices are obtainable from the union concerned or from the Certification Office. The Office supplied 58 such notices during 1983 compared with 180 during 1982.

Political funds of employers' associations at 31 December 1982

6.12 As mentioned in paragraph 6.6 only two employers' associations maintained political funds. They are the National Farmers Union and the National Association of Shopkeepers of Great Britain and Northern Ireland. The total income of political funds maintained by these associations was £23,200 in 1982 compared with £10,000 in 1981; expenditure was £16,300, compared with £400 in the previous year. The funds totalled £204,900 at the end of 1982 compared with £198,000 at the beginning of the year.

Amendments to rules

6.13 Amendments to political fund rules require the Certification Officer's approval which is given provided that the amendments have been adopted in accordance with, and satisfy the requirements of, the 1913 Act. Thirteen trade unions had amendments approved in this way during 1983.

6.14 During the year one union, the Civil and Public Services Association, amended its rules to include rules for a ballot in accordance with the 1913 Act procedures. The Association subsequently balloted its members on a resolution to adopt political objects as an object of the Association and to establish a political fund. The resolution was lost.

*Attention is drawn to Appendix 5 note (c).

Complaints

6.15 During 1983 21 trade union members complained to the Certification Officer under section 3(2) of the Trade Union Act, 1913. Ten complaints by trade union members in 1982 were still under consideration at the end of 1982. Of this total of 31 complaints, work was completed on 23 during 1983, leaving 8 still under consideration at the end of the year.

6.16 Twenty-two of the 23 completed complaints were resolved to the satisfaction of the complainants following action or explanation by the unions, or were closed because the complainants decided not to pursue them. The other completed complaint was that of E M L Parkin and the Association of Scientific Technical and Managerial Staffs (ASTMS) and the decisions which were made by the Certification Officer following the formal hearing in 1982 were published in 1983.

6.17 Of the 8 complaints still under consideration at the end of 1983, the Certification Officer had made arrangements for a formal hearing of three of them, to be held in January 1984. Four others concerned contributions by trade unions towards the purchase of property at Walworth Road—Labour Party HQ, and were related to the decision of the Certification Officer in the case of E M L Parkin and ASTMS which was the subject of an appeal (referred to in paragraph 6.22 below) by the Union to the Employment Appeal Tribunal. The remaining complaint was still the subject of correspondence.

The unions concerned

6.18 The 23 complaints on which work was completed during the year involved 10 trade unions. They are:—

Association of Professional Executive Clerical and Computer Staff (APEX)	(1)
Association of Scientific Technical and Managerial Staffs (ASTMS)	(1)
Confederation of Health Service Employees (COHSE)	(1)
General Municipal Boilermakers and Allied Trades Union (GMBATU)	(1)
National Association of Theatrical Television and Kine Employees (NATTKE)	(7)
National Graphical Association (1982)(NGA)	(1)
National Union of Sheet Metal Workers Coppersmiths and Heating and Domestic Engineers (NUSMWCHDE)	(1)
Society of Telecom Executives (STE)	(1)
Society of Graphical and Allied Trades 1982 (SOGAT)	(4)
Transport and General Workers Union (TGWU)	(5)

Analysis of complaints

6.19 These 23 complaints involved 47 separate grounds of complaint. About one third related to allegations that the unions concerned had spent money from their general funds which should have been spent from their political funds. The remainder alleged that the unions involved had acted in breach of their political fund rules in a manner which affected the complainants in a personal way on the following grounds:—

- exempt member placed at a disadvantage compared with contributing members;
- exemption not acknowledged or put into effect;
- exemption notice 'to like effect' (see paragraph 6.3) not accepted by the union;
- failure to refund political contributions;
- unable to obtain form of exemption notice on request;
- union operates a system under which political fund contributions are deducted from exempt members and subsequently refunded.

Miscellaneous complaints

6.20 Nine members from 7 trade unions made complaints which did not fall within the provisions of section 3(2) of the 1913 Act. The Certification Officer has no authority to deal with such complaints.

Formal hearings

6.21 There were no formal hearings in 1983. The decisions in the matter of E M L Parkin and ASTMS heard in 1982, and covering 10 grounds of complaint, were published on 23 February 1983. These decisions are reproduced at Appendix 9.

Appeals

6.22 ASTMS appealed against three of the decisions set out in Appendix 9. They were the decisions relating to: complaint 5 about contributions towards the purchase of property at Walworth Road—Labour Party HQ; complaint 7 about donations from the Union's wholly owned companies and complaint 12 about donations by the Union to the "Leader of the Opposition's Office at Parliament". Mr. Parkin cross-appealed in respect of complaint 6 about the political fund overdraft. The appeals were heard by the Employment Appeal Tribunal on 14, 15 and 18 July 1983. Judgment was given on 26 September 1983 and all the appeals were dismissed (ASSOCIATION OF SCIENTIFIC TECHNICAL AND MANAGERIAL STAFFS v PARKIN 1983 IRLR 448).

6.23 The Union has appealed to the Court of Appeal against the Employment Appeal Tribunal's decision in respect of complaint 5 about contributions towards the purchase of property at Walworth Road—Labour Party HQ. The case was awaiting hearing at the end of the year.

Funds for Trade Union Ballots

The statutory provisions

7.1 By virtue of section 1 of the Employment Act 1980, as amended, the Certification Officer is empowered to refund certain costs incurred by independent trade unions in the holding of secret postal ballots for specified purposes. The conditions to be observed, together with detailed provisions, are laid down in a Scheme contained in Regulations made by the Secretary of State for Employment.*

7.2 The Scheme applies only to ballots which are so conducted as to secure, so far as reasonably practicable, that those voting may do so in secret.

7.3 The Scheme does not apply to a ballot if the arrangements for the conduct of the ballot do not:—

- (a) require those voting to do so by marking a voting paper; and
- (b) provide that those voting shall individually return the voting paper by post to the trade union conducting the ballot or to another person responsible for counting the votes.

The Scheme does not cover non-postal or workplace ballots.

7.4 Regulation 4 provides that the ballot must be held for one or more of the following purposes:—

- (a) 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;
- (b) carrying out an election provided for by the rules of a trade union to the principal committee having the executive responsibility for managing the affairs of the trade union, whether known as the executive committee or by any other name;
- (c) carrying out an election provided for by the rules of a trade union to the position of president, chairman, secretary or treasurer of the trade union or to any position which the person elected will hold as an employee of the trade union;
- (d) amending the rules of a trade union;
- (e) obtaining a decision in accordance with the Trade Union (Amalgamations, etc.) Act 1964 on a resolution to approve an instrument of amalgamation or transfer of engagements;

*The Funds for Trade Union Ballots Regulations 1980 (S.I. 1980 No.1252) as amended by The Funds for Trade Union Ballots (Amendment) Regulations 1982 (S.I. 1982 No.1108).

- (f) 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 relates in whole or in part to remuneration (whether in money or money's worth), hours of work, level of performance, holidays or pensions.

7.5 If the ballot is secret and postal and if it is held for one or more of the qualifying purposes, it must still satisfy the conditions set out in the Regulations if it is to qualify for payment. The conditions are:—

- (a) that the holding of the ballot was not in contravention of the rules of the trade union;
- (b) that any requirements in the rules of the trade union as to the conduct of the ballot were complied with;
- (c) in the case of a ballot containing a question for the purpose of ascertaining the views of members of a trade union as to the calling or ending of a strike or other industrial action, that, so far as reasonably practicable, the ballot was conducted so as to secure that all members likely to be called upon to participate in the action, or participating in the action, as the case may be, were entitled to vote;
- (d) that those entitled to vote were allowed to vote without interference or constraint;
- (e) that, so far as reasonably practicable, those entitled to vote had a fair opportunity of voting;
- (f) that where the votes on any question have not been counted, the decision not to count them was taken because of a change in circumstances occurring after the first day on which voting papers were despatched or given to persons entitled to vote which materially affected the issue to which the question related;
- (g) that where the votes have been counted, they have been fairly counted;
- (h) in the case of a ballot containing a question within paragraph (f) of Regulation 4 above, that only persons who were union members and were affected by the proposal were entitled to vote.

7.6 With one exception the Certification Officer may not make any payments under the Scheme if he considers that any of these conditions have not been satisfied or if any assurances he requests from the trade union relating to these conditions have not been given. The exception is that the Certification Officer need not withhold payment if he is satisfied that the only condition which has not been complied with is condition (b) above and that the failure to comply had no significant effect on the proper conduct of the ballot.

7.7 The Scheme includes special provisions applying to ballots conducted under the Trade Union (Amalgamations, etc.) Act 1964 on a resolution to approve an instrument of amalgamation or transfer of engagements.

7.8 Payments may be made, within limits laid down in the Regulations, towards the postal costs of the ballot, the stationery and printing costs of voting papers and envelopes, and any relevant literature enclosed with the voting papers. Refunds in respect of approved claims cannot be made earlier than six weeks after the date on which the result of the ballot is published or the date of the application, whichever is the later.

Applications

7.9 During 1983, 18 applications for refund were received from 15 trade unions in respect of 20 ballots. Details can be found in Appendix 8. These ballots were held for the purposes set out in paragraph 7.4 as follows: (a) 1, (b) 9, (c) 7, and (f) 3.

7.10 The Certification Officer was able to make payments in respect of 17 ballots. He was unable to make a payment in respect of two ballots by one union because of the applicant's failure to meet the provisions of the Scheme. The remaining ballot was still under consideration at the end of the year.

7.11 Of the ballots where payment was made, claims were met in full in 5 cases; in other cases a reduced payment was made for one or more of the following reasons:—

expenditure on items outside the scope of the Scheme eg. charges for sorting ballot literature, cost of nomination papers;

printing and stationery overclaimed eg. cost of printing envelopes in excess of those required for the ballot and suitable for use on a subsequent occasion;

postal costs incorrectly claimed;

errors in calculations.

7.12 The Certification Officer made payments during the year totalling £85,072.07. This sum comprised £27,489.16 paid towards the cost of stationery and printing, and £57,582.91 towards postage. It included a payment of £25,692.60 to the Royal College of Nursing of the United Kingdom for an application lodged in 1982 and still under consideration at the end of that year.

General Comments

7.13 During 1983, the third full year of operation of the Scheme, the level of activity remained virtually the same as in the first two years. Of the 18 applications received 14 were from trade unions which had sought reimbursement of balloting costs on one or more previous occasions.

7.14 Although almost all the ballot applications put to the Office now qualify for payment there are still some where payment has to be for a smaller amount than claimed because the application includes costs not covered by the Scheme. As the 1982 report emphasised, it is to the benefit of any union proposing to seek payment towards expenditure incurred in holding a postal ballot to discuss its proposals with the Office at an early date. The Certification Officer encourages early contact in this way and his staff are always willing to meet with union representatives to discuss problem areas. An explanatory leaflet *Funds for Trade Union Ballots* is available from the Office free of charge.



Appendix 1 (see paragraph 1.7)

LIST OF TRADE UNIONS AT 31 DECEMBER 1983

Notes:

Trade Unions entered in the list during 1983 are shown in italics.

*Denotes a trade union holding a certificate of independence at 31 December 1983.

†Denotes a trade union whose application for a certificate of independence was refused and which had not, at 31 December 1983, obtained a certificate as a result of a subsequent application.

(P) Denotes a trade union which, at 31 December 1983, had a political fund.

England and Wales

- * Abbey National Staff Association
- * Alliance Building Society Staff Association
- † Alumasc Employees Association
- * Amalgamated Association of Beamers Twisters and Drawers (Hand and Machine)
- * Amalgamated Society of Textile Workers and Kindred Trades
- * Amalgamated Society of Wire Drawers and Kindred Workers
- Amalgamated Tape Sizers Friendly Protection Society
- * Amalgamated Textile Warehousemen
- * Amalgamated Textile Warehouse Operatives (Bolton and District Branch)
- * Amalgamated Textile Workers Union (P)
- * Amalgamated Textile Workers Union Central Lancashire and Calderdale
- * Amalgamated Textile Workers Union (Southern Area)
- * Amalgamated Textile Workers Union—Staff Section
- * Amalgamated Union of Asphalt Workers
- Amalgamated Union of Engineering Workers
- * Amalgamated Union of Engineering Workers (Constructional Section) (P)
- * Amalgamated Union of Engineering Workers—Engineering Section (P)
- * Amalgamated Union of Engineering Workers—Foundry Section (P)
- * Amalgamated Union of Engineering Workers—Technical Administrative and Supervisory Section (P)
- * A Monk and Company Staff Association
- * Anglia Building Society Staff Association
- Artists Union
- * Assistant Masters and Mistresses Association
- * Associated Metalworkers Union
- * Associated Society of Locomotive Engineers and Firemen (P)
- * Association for Adult and Continuing Education
- * Association of Agricultural Education Staffs
- * Association of British Dental Surgery Assistants

- *Association of Broadcasting and Allied Staffs
- *Association of Cambridge University Assistants
- Association of Career Teachers
- *Association of Cinematograph Television and Allied Technicians (P)
- *Association of Clinical Biochemists Limited
- *Association of Community Homes
- Association of Deputy and Assistant Chief Probation Officers
- *Association of Education Officers
- *Association of First Division Civil Servants
- †Association of Football League Referees and Linesmen
- *Association of Her Majesty's Inspectors of Taxes
- Association of HSDE (Hatfield) Employees
- *Association of Local Authority Chief Architects
- *Association of Local Authority Chief Executives
- Association of Local Government Lawyers
- *Association of Local Government Personnel Officers
- *Association of Magisterial Officers
- *Association of Managerial Staff of the National Bus Company and Subsidiary Companies
- *Association of National Health Service Officers
- *Association of Nurse Administrators
- *Association of Official Architects
- *Association of Optical Practitioners Limited
- *Association of Passenger Transport Executives and Managers
- *Association of Patternmakers and Allied Craftsmen (P)
- *Association of Planning Officers
- Association of Plastic Operatives and Engineers
- *Association of Polytechnic Teachers
- *Association of Principals of Colleges
- Association of Professional Ambulance Personnel
- *Association of Professional Executive Clerical and Computer Staff (APEX) (P)
- Association of Professional Music Therapists in Great Britain
- *Association of Public Service Finance Officers
- *Association of Public Service Professional Engineers
- *Association of Scientific Technical and Managerial Staffs (P)
- Association of Somerset Inseminators
- Association of Staff of Probation and Bail Hostels
- *Association of University Teachers
- Association of Vice Principals of Colleges
- Australian Mutual Provident Society Staff Association
- *Bakers Food and Allied Workers Union (P)
- Balfour Beatty Group Staff Association
- Balfour House Staff Association*
- *Banking Insurance and Finance Union
- *Bank of England Staff Organisation
- †Bank of New Zealand (London) Staff Association

- *Barclays Group Staff Union
- Billinge Branch of the National Union of Mineworkers (North Western Area)
- Birmingham Union of Club Stewards
- *Blackburn and District Amalgamated Power Loom Overlookers Association
- Blackburn and District Tape-Sizers Society
- *Blackburn and District Weavers Winders and Warpers Association
- *Bolton and District Powerloom Overlookers Trade Sick and Burial Association
- *Bradford and Bingley Building Society Staff Association
- Bradford and District Power Loom Overlookers Society
- *Britannic Field Staff Association
- *British Actors Equity Association Incorporating the Variety Artistes Federation
- *British Aerospace (Dynamics Group) Employees Association
- *British Aircraft Corporation Limited Senior Staff Association
- *British Air Line Pilots Association
- *British Association of Colliery Management
- *British Association of Occupational Therapists Limited
- *British Cement Staffs Association
- British Ceramic Research Association Staff Association
- *British Dental Association
- *British Dietetic Association
- *British Federation of Textile Technicians
- British Hospital Doctors Federation
- *British Medical Association
- *British Orthoptic Society
- *British Union of Social Work Employees
- Building Trades Union
- †Burmah Engineering Senior Staff Union
- Burnley and District Tape Sizers Protective Society
- Burnley Nelson Rossendale and District Textile Workers Union
- Cadbury Limited Representatives Association
- *Cadbury Schweppes Senior Managers Association
- Cadbury Typhoo Representatives Association
- Cantonian High School Staff Association
- Card Dressers Society
- *Card Setting Machine Tenters Society
- †Carlsberg Brewery Staff Association
- *Ceramic and Allied Trades Union (P)
- *Chartered Society of Physiotherapy
- *Chelsea Building Society Staff Association
- *Chemistry Societies Staff Association
- Cheshire Building Society Staff Association
- *Chief and Assistant Chief Fire Officers Association
- Church and Oswaldtwistle Power-Loom Overlookers Society

- *Civil and Public Services Association
- *Civil Service Union
- *Clearing Bank Union
- *Clerical and Secretarial Staffs Association of the University of Liverpool
- Clerical Medical and General Staff Association
- *Cloth Pressers Society (P)
- Colman Association of Staff
- *Colne and Craven Textile Workers Association
- *Colne and District Power Loom Overlookers Association
- *Colne and District Textile Warehouse Association
- *Commercial Union Group Staff Association
- Communication Managers Association
- *Community and Youth Workers Union
- *Confederation of Health Service Employees (P)
- †Construction Industry Training Board Staff Association
- *Corporation of London Staff Association
- *COSESA
- Cotton Rayon and Allied Fibres Tapesizers Association
- Council of Civil Service Unions
- *Coventry Economic Building Society Staff Association
- Cronton Branch of Miners
- Cumbria Colliery Officials Association
- †Derbyshire Building Society Staff Association
- *Diplomatic Service Association
- Dowsett Engineering Construction Limited Staff Association*
- Electrical and Mechanical Instrument Makers Association
- *Electrical Electronic Telecommunication and Plumbing Union (P)
- *Engineering Officers Technical Association
- *Engineers and Managers Association
- English Chiropractors Association
- †Federation of Cadbury Schweppes Representatives Association
- *Federation of Managerial and Professional Officers Unions
- *Federation of Nursing Personnel
- Federation of Professional Organisations (PT 'A' Whitley Council)
- Federation of Professional Railway Staff*
- *Film Artistes Association
- *Fire Brigades Union (P)
- Football League Executive Staffs Association
- *Foremens Association of the British Aerospace Public Limited Company—
Warton Division
- *Furniture Timber and Allied Trades Union (P)
- *Gas Higher Management Association
- *Gateway Building Society Staff Association
- General Dental Practitioners Association

- General Federation of Trade Unions
- *General Municipal Boilermakers and Allied Trades Union (P)
- *General Union of Associations of Loom Overlookers (P)
- Graphic and Creative Arts Association
- *Greater London Council Staff Association
- *Grindlays Staff Association
- *Guild of Directors of Social Services
- *Guild of Local Authority Valuers and Estate Surveyors
- *Guild of Medical Secretaries
- *Guild of Professional Teachers of Dancing
- *Guild of Senior Officers of the Greater London Council and the Inner
London Education Authority
- *Guild of Textile Supervisors
- *Guild of Water Service Senior Officers
- *Guinness Brewing Staff Association (UK)
- *Guinness (Park Royal) Supervisory Association
- Halifax and District Powerloom Overlookers Society
- *Halifax Building Society Staff Association
- Headmasters Conference
- *Health Visitors Association
- Heart of England Building Society Staff Association
- Hongkong Bank Group UK Staff Association
- *Hospital Consultants and Specialists Association
- *Hospital Doctors Association
- *Hospital Physicists Association
- Huddersfield and Dewsbury Power Loom Overlookers Society
- Humberside Port Workers Union*
- *Hyde and District Loom Overlookers Association
- Ideal Field Staff Association
- *Immigration Service Union
- *Imperial Group Staff Association
- *Imperial Supervisors Association (Imperial Tobacco Limited)
- Independent Union of Owner Operators
- *Inland Revenue Staff Federation
- *Institute of Journalists
- *Institution of Professional Civil Servants
- *Iron and Steel Trades Confederation (P)
- Jeyes Representatives Association
- Johnson Matthey Chemicals Royston Staff Society
- †Johnson Matthey Headquarters Staff Society
- Joint Boots Pharmacists Association
- Joint Industry Board for the Electrical Contracting Industry
- †Jones and Shipman Administrative Staff Association
- Kirkless Craftsmens Branch of the NUM North Western Area

- *Lancashire Box Packing Case and General Woodworkers Friendly Relief Sick Superannuation and Burial Society
- Leeds and District Power Loom Overlookers Society
- *Leek and Westbourne Staff Association
- *Leicester Building Society Staff Association
- Leicestershire Overmen Deputies and Shotfirers Association
- *Liverpool Victoria Section of the National Union of Insurance Workers (P)
- *Lloyds Bank Group Staff Union
- Lloyds Register (UK) Staff Association
- London Jewel Case and Jewellery Display Makers Union
- *London Society of Tie Cutters
- *Lufthansa Staff Association United Kingdom

Managerial Staff Association of the Provincial Insurance Group of Companies

- *Manchester Pilots Association
- Manchester Salford and District Society of Brewers and General Coopers
- *Merchant Navy and Airline Officers Association
- Midshires Staff Association
- *Military and Orchestral Musical Instrument Makers Trade Society
- Ministry of Defence Staff Association
- *Musicians Union (P)

- *National and Local Government Officers Association
- National and Provincial Building Society Staff Association*
- National Association of Chief Environmental Health Officers
- *National Association of Chief Housing Officers
- *National Association of Colliery Overmen Deputies and Shotfirers (P)
- National Association of Colliery Overmen Deputies and Shotfirers Cannock Chase Area
- National Association of Colliery Overmen Deputies and Shotfirers Durham Area (P)
- National Association of Colliery Overmen Deputies and Shotfirers Midland Area
- National Association of Colliery Overmen Deputies and Shotfirers (Northumberland Area) (P)
- National Association of Colliery Overmen Deputies and Shotfirers North Western Area
- National Association of Colliery Overmen Deputies and Shotfirers (South Wales Area)
- National Association of Colliery Overmen Deputies and Shotfirers (Staffordshire Area)
- National Association of Colliery Overmen Deputies and Shotfirers (Yorkshire Area) (P)
- *National Association of Co-operative Officials
- *National Association of Fire Officers
- *National Association of Head Teachers

- *National Association of Inspectors and Educational Advisers
- *National Association of Licensed House Managers
- *National Association of NFU Group Secretaries
- National Association of Power-Loom Overlookers
- *National Association of Probation Officers
- *National Association of Schoolmasters and the Union of Women Teachers
- *National Association of Senior Probation Officers
- *National Association of Teachers in Further and Higher Education
- *National Association of Theatrical Television and Kine Employees (P)
- *National Association of Unions in the Textile Trade
- National Federation of Sub-Postmasters
- *National Graphical Association (1982) (P)
- *National League of the Blind and Disabled (P)
- *National Owner Drivers Association UK
- *National Society of Metal Mechanics (P)
- *National Tile Faience and Mosaic Fixers Society
- *National Unilever Managers Association
- *National Union of Blastfurnacemen Ore Miners Coke Workers and Kindred Trades (P)
- National Union of Chief Leisure Officers
- *National Union of Club Stewards
- *National Union of Domestic Appliance and General Metal Workers (P)
- *National Union of Flint Glass Workers
- National Union of Hebrew Teachers of Great Britain and Ireland
- *National Union of Hosiery and Knitwear Workers
- *National Union of Insurance Workers
- *National Union of Insurance Workers Prudential Section (P)
- *National Union of Insurance Workers Royal London Section
- *National Union of Journalists
- *National Union of Local Authority Secretaries
- *National Union of Lock and Metal Workers
- *National Union of Mineworkers (P)
- National Union of Mineworkers (Ashton and Haydock Branch)
- National Union of Mineworkers (Cannock Chase and Pelsall District Midlands Area)
- 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. 3)
- National Union of Mineworkers (Colliery Officials and Staffs Area) (Region No. 4)
- National Union of Mineworkers (Cumberland Area)
- National Union of Mineworkers (Derbyshire Area)
- National Union of Mineworkers (Durham Area) (P)
- National Union of Mineworkers (Durham Enginemen Group No. 1 Area)
- National Union of Mineworkers (Durham Mechanics Group No. 1 Area)

- National Union of Mineworkers (Kent Area) (P)
- *National Union of Mineworkers (Leicester Area) (P)
- National Union of Mineworkers (Leigh Craftsmens Branch)
- National Union of Mineworkers (Midland Area)
- National Union of Mineworkers (North Stafford Federation Midland Area)
- National Union of Mineworkers (Northumberland Area) (P)
- *National Union of Mineworkers (Northumberland Mechanics Group No. 1 Area)
- National Union of Mineworkers (North Wales Area)
- *National Union of Mineworkers (North Western Area)
- National Union of Mineworkers (North Western Area) Pendlebury Branch
- National Union of Mineworkers (North Western Area) Plank Lane Branch
- National Union of Mineworkers (North Western Area) St Helens Craftsmens Branch
- *National Union of Mineworkers (Nottingham Area)
- *National Union of Mineworkers (Power Group Area)
- *National Union of Mineworkers (South Derbyshire Area)
- National Union of Mineworkers (South Wales Area)
- National Union of Mineworkers (Warwickshire District Midlands Area)
- *National Union of Mineworkers (Yorkshire Area)
- *National Union of Public Employees (P)
- *National Union of Railwaymen (P)
- *National Union of Scalemakers (P)
- *National Union of Seamen (P)
- *National Union of Tailors and Garment Workers (P)
- *National Union of Teachers
- *National Union of Textile and Allied Workers (Rochdale Districts)
- *National Union of the Footwear Leather and Allied Trades (P)
- National Union of the Unemployed and Workers
- Nationally Integrated Caring Employees
- *Nationwide Building Society Staff Association
- *NatWest Staff Association
- *Nelson and District Association of Preparatory Workers
- *Nelson and District Clothlookers and Warehouse Association
- Nelson and District Powerloom Overlookers Society
- New Towns Chief Officers Association
- NFER Staff Association
- *North-East Coast Tug-Boatmens Association
- *Northern Carpet Trades Union
- *Northern Colliery Officials and Staffs Association
- *Northern Counties Textile Trades Federation
- *Northern Rock Building Society Staff Association (NORSA)
- *Northern Textile and Allied Workers Union
- *North West Lancashire Durham and Cumbria Textile Workers Union
- Nottingham and District Federation of Club Stewards

- Oldham Association of Loom Overlookers
- *Oldham Provincial Union of Textile and Allied Workers

Organisation of CPL Technicians

- Parkside Branch of the National Union of Mineworkers (North Western Area)
- Parsonage Branch of the Lancashire Area of the National Union of Mineworkers of Great Britain
- *Pattern Weavers Society
- †Playboy Staff Association
- *PMB Staff Association
- Portman Staff Association
- *Post Office Engineering Union (P)
- *Power Loom Carpet Weavers and Textile Workers Union (P)
- Pressed Glass Makers Society of Great Britain
- *Preston and District Powerloom Overlookers Association
- Pride of Golborne Miners Branch
- *Printing Trades Alliance
- *Prison Officers Association
- *Professional Association of Teachers
- Professional Federation of Health Service Chefs*
- †Professional Flight Instructors Association
- Professional Footballers Association
- Prosecuting Solicitors Society of England and Wales
- *Radio and Electronic Officers Union
- †Rank Hotels Staff Association
- Redifussion Simulation Staff Association
- *Retail Book Stationery and Allied Trades Employees Association
- *Retained Firefighters Union
- *Retired Officers Association
- *Rolls-Royce Management Association
- *Rossendale Union of Boot Shoe and Slipper Operatives (P)
- *Rowntree Mackintosh Sales Staff Association
- *Royal College of Midwives
- *Royal College of Nursing of the United Kingdom
- *Royal Insurance Branch Managers Association
- RSPB Staff Association
- Rumbelows Branch Managers Association
- Rumbelows Retail Staff Association (RRSA)
- †Schweppes Limited Representatives Association
- *Screw Nut Bolt and Rivet Trade Union
- *Secondary Heads Association
- *Sheffield Sawmakers Protection Society
- Sheffield Wool Shear Workers Trade Union
- *Skipton and District Power-Loom Overlookers Association
- †Societe Generale Staff Association
- *Society of Authors Limited
- *Society of Chief Trading Standards Officers

- *Society of Chiropodists
- *Society of Civil and Public Servants (Executive Directing and Analogous Grades)
- *Society of Graphical and Allied Trades 1982 (SOGAT) (P)
- *Society of Metropolitan and County Chief Librarians
- *Society of Public Analysts and Other Official Analysts
- *Society of Radiographers
- Society of Registration Officers (Births Deaths and Marriages)
- *Society of Remedial Gymnasts
- *Society of Shuttlemakers (P)
- *Society of Telecom Executives (P)
- *Society of Union Employees (NUPE) (P)
- *Space and Communications Stevenage Staff Association
- *Squibb UK Staff Association
- Stable Lads Association
- †Staff Association of the SW Farmer Group of Companies
- †Staffordshire Building Society Staff Association
- *Star Aluminium Managerial Staff Association
- *Sun Alliance and London Staff Association
- *Sun Life Staff Association
- Sussex County Staff Association
- Sutton Manor Branch of Miners
- *Teston Independent Society of Cricket Ball Makers
- *Textile Manufacturing Trades Federation of Bolton and Surrounding Districts
- *Thames Water Staff Association
- *Thorn EMI Electronics Limited Junior and Middle Management Staff Association
- *Tobacco Mechanics Association
- *Tobacco Workers Union (P)
- *Town and Country Building Society Staff Association
- Trade Society of Machine Calico Printers
- *Transport and General Workers Union (P)
- *Transport Salaried Staffs Association (P)
- †Trebor Sharps Limited Salesmens Association
- *Undeb Cenedlaethol Athrawon Cymru: (National Association of Teachers of Wales)
- *Union of Communication Workers (P)
- *Union of Construction Allied Trades and Technicians (P)
- Union of Dexion Workers
- *Union of Shop Distributive and Allied Workers (P)
- *United Association of Power Loom Overlookers
- *United Friendly Agents Association
- *United Friendly Divisional and District Managers Association
- †United Friendly Head Office Management Association
- †United Friendly Insurance Co Ltd Assistant Managers Association
- *United Road Transport Union

- *Walsall Lock and Keysmiths Male and Female Trade Society
- *West Bromwich Building Society Staff Association
- Whatman Reeve Angel Staff Association
- Willerby Staff Association
- *Woolwich Independent Staff Association
- *Writers Guild of Great Britain

- *Yorkshire Association of Power Loom Overlookers
- *Yorkshire Building Society Staff Association

Scotland

Association of British Professional Divers

- *Association of Lecturers in Colleges of Education in Scotland
- *Association of Lecturers in Scottish Central Institutions

District Nursing Association

- *Educational Institute of Scotland

Glasgow and West of Scotland Power Loom Tenters Society

Honours Graduate Teachers Association

National Association of Colliery Overmen Deputies and Shotfirers (Scottish Area) (P)

National House Building Council Staff Association

National Union of Mineworkers Group 2 Scottish Colliery Enginem
Boilermen and Tradesmens Association

National Union of Mineworkers (Scottish Area)

Professional Staff Association of Scottish Woodland Owners Association
(Commercial) Limited

Scottish Association of Amenity Supervisory Staffs

Scottish Association of Local Government and Educational Psychologists

Scottish Association of Nurse Administrators

- *Scottish Carpet Workers Union (P)

Scottish Equitable Staff Association

- *Scottish Further Education Association

- *Scottish Health Visitors Association

Scottish Joint Industry Board for the Electrical Contracting Industry

- *Scottish Prison Officers Association

- *Scottish Secondary Teachers Association

- *Scottish Union of Power Loom Overlookers

Appendix 2 (see paragraph 1.7)

LIST OF EMPLOYERS' ASSOCIATIONS AT 31 DECEMBER 1983

Note: Employers' associations entered in the list during 1983 are shown in *italics*.

England and Wales

Advertising Film and Videotape Producers Association
Art Studios Photographic Laboratories Association
Association of British Orchestras
Association of Circus Proprietors of Great Britain
Association of Glass Container Manufacturers
Association of Midland Advertising Agencies
Association of Northern Advertising Agencies
Association of Northern Master Electrotypers and Stereotypers
Association of Scottish Advertising Agencies

Birmingham Horse and Motor Vehicle Owners Association
Birmingham Wholesale Fruit Flower and Potato Merchants Association
Blackburn District Textile Manufacturers Association
Bolton and District Textile Employers Association
British Amusement Catering Trades Association
British Bag Federation
British Box and Packaging Association
British Brush Manufacturers Association
British Carton Association
British Ceramic Manufacturers Federation
British Decorators Association
British Exhibition Contractors Association
British Film and Television Producers Association Limited
British Lace Federation
British Leavers Lace Manufacturers Association
British Lock Manufacturers Association
British Paper and Board Industry Federation Limited
British Precast Concrete Federation Limited
British Printing Industries Federation
British Ready Mixed Concrete Association
British Scrap Federation
British Textile Employers Association (Cotton Man-made and Allied Fibres)

Central Lancashire Engineering Employers Association
China Clay Association
Cinematograph Exhibitors Association of Great Britain and Ireland
Construction Plant-Hire Association
Co-operative Employers Association

East Anglian Ship and Boat Building Employers Association
Eastern Representative Provincial Organisation of Local Authority
Employers for Administrative Professional Technical and Clerical Services
and Manual Worker Services
East Midlands Engineering Employers Association
East Midlands Local Authorities Employers Organisation
Electrical Contractors Association
Engineering and Shipbuilding Employers Association—Yorkshire and
Humberside
Engineering Employers Association of South Lancashire Cheshire and North
Wales
Engineering Employers East Anglian Association
Engineering Employers Federation
Engineering Employers London Association
Engineering Employers Association of South Wales
Engineering Employers Sheffield Association (South Yorkshire and North
Midlands)
Engineering Employers West of England Association
Essex and Hertfordshire Representative Provincial Organisation of Local
Authority Employers (for Administrative Professional Technical and
Clerical Services and Manual Worker Services)
Exhibition Florists Association

Federation of Bakers
Federation of Civil Engineering Contractors
Federation of Design and Engineering Contractors
Federation of Dredging Contractors
Federation of London Clearing Bank Employers
Federation of London Wholesale Newspaper Distributors
Federation of Master Builders
Federation of Master Organ Builders
Federation of Medium and Small Employers

Graphic Reproduction Federation
Grimsby Fishing Vessel Owners Association

Hampshire Yacht and Boat Builders Association
Heating and Ventilating Contractors Association
Hinckley and District Knitting Industry Association
Hull Association of Port Labour Employers
Hull Fishing Industry Association

Knitted Textile Dyers Federation

Leather Producers Association
London and South Eastern Furniture Manufacturers Association
London Association of Shore Gang Contractors
London Dress Makers and Allied Contractors Association

London Enclosed Docks Employers Association
Lowestoft Fishing Industry Association

Mastic Asphalt Council and Employers Federation Limited
Merseyside Master Boatmen and Dock Pilots Association
Mid-Anglian Engineering Employers Association
Mid-Southern Representative Provincial Organisation of Employers Local Authorities Services
Motor Agents Association Limited
Multiple Food Retailers Employers Association
Multiple Shoe Retailers Association
Multiwall Sack Manufacturers Employers Association
Music Trades Association Limited

National Association of Glove Manufacturers
National Association of Master Bakers Confectioners and Caterers
National Association of Plumbing Heating and Mechanical Services Contractors
National Association of Shopkeepers of Great Britain and Northern Ireland (formerly NUSS)
National Building and Allied Hardware Manufacturers Federation
National Engineering Construction Employers Association
National Federation of Building Trades Employers
National Federation of Master Window Cleaners
National Federation of Retail Newsagents
National Fillings Trades Association
National Hairdressers Federation
National Master Farriers Blacksmiths and Agricultural Engineers Association
National Pharmaceutical Association Limited
National Sawmilling Association
National Society of Provincial Wholesale Sunday Newspaper Distributors
National Trainers Federation
Newspaper Publishers Association Limited
Newspaper Society
North East Association of Small Mines
North East Lancashire Textile Manufacturers Association
North of England Engineering Employers Association
North Wales Slate Quarries Association
North West Lancashire Engineering Employers Association

Office Machines and Equipment Federation

Provincial Wholesale Newspaper Distributors Association

Representative National Organisation of Employers of Local Authorities Administrative Professional Technical and Clerical Services
Representative National Organisation of Employers of Local Authorities Services (Manual Workers)

Representative National Organisation of Employers of New Towns Staff
Representative Organisation of Local Authorities Services (Building and Civil Engineering)
Representative Organisation of the North Eastern Provincial Employers of Local Authorities Administrative Professional Technical and Clerical Services
Representative Organisation of the Northern Provincial Employers of Local Authorities Services (Manual Workers)
Representative Organisation of the South Western Provincial Employers of Local Authorities Services (Administrative Professional Technical and Clerical)
Representative Organisation of the South Western Provincial Employers of Local Authorities Services (Manual Workers)
Representative Organisation of the Western Provincial Employers of Local Authorities Services (Manual Workers)
Rochdale and Yorkshire Textile Employers Association
Rochdale Engineering Employers Association

Showmens Guild of Great Britain
Slag Employers Association
Smithfield Market Tenants Association London
Society of British Printing Ink Manufacturers Ltd.
South Eastern Local Authorities Employers Organisation
Southern Representative Provincial Organisation of Employers Local Authorities Administrative Professional Technical and Clerical Services
Stourbridge Crystal Glass Manufacturers Association

Test and County Cricket Board
Thames Ship and Boat Builders Association
Timber Packaging and Pallet Confederation

Vehicle Builders and Repairers Association

Welsh Engineers and Founders Association
West Midlands Engineering Employers Association
Wire and Wire Rope Employers Association

Yorkshire Glass Manufacturers Association

Scotland

Aberdeen Granite Association
Association of Floor Covering Contractors (Scotland)
Association of Jute Spinners and Manufacturers

Electrical Contractors Association of Scotland

Federation of Scottish Bank Employers
Flax and Linen Association

Glasgow and District Retail Fleshers Association
Glasgow Area Federation of Community Based Housing Association

Hawick Knitwear Manufacturers Association
Hebridean Spinners Advisory Committee

Malt Distillers Association of Scotland

Scottish and Northern Ireland Plumbing Employers Federation
Scottish Daily Newspaper Society
Scottish Decorators Federation
Scottish Engineering Employers Association
Scottish Glass Merchants and Glaziers Association
Scottish Grocery Trade Employers Association
Scottish House Furnishers Federation
Scottish Lace and Window Furnishing Association
Scottish Newspaper Proprietors Association
Scottish Pharmaceutical Federation
Scottish Woollen Trade Employers Association
Society of Master Printers of Scotland

Appendix 3 (see paragraph 2.10)

DECISIONS ON TRADE UNION INDEPENDENCE DURING 1983

Trade unions issued with certificates of independence

Alliance Building Society Staff Association
Association of Local Government Personnel Officers
British Dietetic Association
British Union of Social Work Employees
Gas Higher Management Association
Gateway Building Society Staff Association
General Municipal Boilermakers and Allied Trades Union
*HSD (Stevenage) Staff Association
National Association of Chief Housing Officers
National Association of Senior Probation Officers
North West Lancashire Durham and Cumbria Textile Workers Union
Society of Chief Trading Standards Officers
Society of Graphical and Allied Trades 1982 (SOGAT)

Certificates cancelled because the union ceased to exist owing to a transfer of engagements

Association of Management and Professional Staffs
British Fire Service Federation
British Roll Turners Trade Society
National Association of Executive Managers and Staff
National Society of Brushmakers and General Workers
National Union of Sheet Metal Workers Coppersmiths and Heating and Domestic Engineers

Certificates cancelled because the union ceased to exist owing to an amalgamation

Burnley Building Society Staff Association
Provincial Building Society Staff Association

Certificates cancelled because the union had been dissolved

Colne District of the Amalgamated Association of Twistors and Drawers
General and Technical Services Union
National Union of Co-operative Insurance Society Employees

*Now known as Space and Communications Stevenage Staff Association.

Summary of Statistics—Trade Unions, 1982
(see paragraph 3.11)

Appendix 4

	Number of Members	GROSS INCOME			GROSS EXPENDITURE					TOTAL FUNDS		GROSS ASSETS (a)			
		From Members	From Investments	Total Income	Unemployment Benefit	Dispute Benefit	Total Benefits to Members	Administration Expenses and Other Outgoings	Total Expenditure	Beginning of the Year	End of the Year	Fixed Assets	Investments	Other Assets	Total Assets
		(b) £000s	(c) £000s	(d) £000s	(5) £000s	(6) £000s	(e) £000s	(8) £000s	(d) £000s	(10) £000s	(11) £000s	(12) £000s	(13) £000s	(14) £000s	(15) £000s
Unions each with 100,000 members or more:															
Transport and General Workers Union	1,632,991	39,788	3,184	(i)45,182	—	1,119	4,890	27,538	35,584	42,493	52,091	21,037	25,542	7,549	54,128
Amalgamated Union of Engineering Workers	—	—	—	(g)	—	—	—	(g)	(g)	23	23	(g)	—	23	23
Constructional Section	25,234	837	84	945	—	(g)	78	744	856	1,027	1,116	376	556	190	1,122
Engineering Section	1,002,016	15,889	1,632	17,666	3	855	4,287	11,506	17,589	19,254	19,331	6,640	11,714	2,847	21,201
Foundry Section	42,673	803	80	883	—	14	96	717	871	724	736	138	583	169	890
Technical Administrative and Supervisory Section	172,256	3,874	192	4,130	—	160	401	3,165	3,782	3,684	4,032	1,665	1,617	701	3,983
*National Union of General and Municipal Workers	825,385	21,487	1,760	23,506	—	306	3,279	16,068	20,740	23,604	26,370	9,821	4,661	11,900	26,382
National and Local Government Officers Association	726,441	23,963	1,287	28,402	—	732	1,025	9,615	19,986	17,825	26,241	6,624	15,881	6,304	28,809
National Union of Public Employees	702,159	13,540	1,029	14,759	—	1,108	2,032	10,773	14,032	16,230	16,957	7,407	7,526	3,341	18,274
Union of Shop Distributive and Allied Workers	417,241	7,223	772	8,198	18	13	391	6,518	7,451	6,806	7,553	787	3,917	3,020	7,724
Electrical Electronic Telecommunication and Plumbing Union	416,486	7,482	577	8,456	—	118	1,212	6,437	8,248	(f)8,989	9,197	3,212	5,841	924	9,977
Association of Scientific Technical and Managerial Staffs	410,000	9,342	120	9,464	28	106	299	7,018	9,182	(f)3,134	3,416	5,254	40	4,614	9,908
National Union of Mineworkers (h)	370,000	12,597	2,873	17,324	—	—	2,077	11,115	13,475	(f)28,818	32,667	3,577	19,028	11,034	33,639
Union of Construction Allied Trades and Technicians	261,489	5,023	252	5,533	15	6	251	4,317	4,925	2,951	3,559	1,296	2,161	517	3,974
National Union of Teachers	260,218	5,695	753	6,845	—	507	676	4,510	5,781	(f)8,257	9,321	832	7,418	2,595	10,845
Confederation of Health Service Employees	231,504	5,464	212	5,839	—	282	616	4,158	5,131	3,673	4,381	2,264	2,160	663	5,087
Royal College of Nursing of the United Kingdom	223,324	3,168	—	3,168	—	—	32	3,136	3,168	—	—	—	—	1,558	1,558
Civil and Public Services Association	198,935	7,203	284	7,602	—	292	540	4,328	7,839	6,665	6,428	3,769	2,027	837	6,633
Union of Communication Workers	198,374	7,351	310	9,726	—	—	418	5,660	8,471	6,122	7,377	783	4,168	2,426	7,377
*Society of Graphical and Allied Trades 1975	178,176	4,821	569	6,788	274	113	1,023	5,219	6,674	(f)10,633	10,747	4,094	4,739	2,472	11,305
National Association of Schoolmasters and the Union of Women Teachers	156,920	2,782	297	3,315	—	51	269	2,085	2,444	2,477	3,348	459	1,034	2,083	3,576
Banking Insurance and Finance Union	151,985	3,305	85	3,438	—	(g)	19	2,961	3,099	1,403	1,742	982	732	392	2,106
National Union of Railwaymen	150,410	4,994	2,065	7,071	(g)	146	1,555	4,166	6,001	20,221	21,291	8,213	11,850	2,058	22,121
Post Office Engineering Union	136,551	5,520	133	5,687	—	22	880	3,916	5,215	4,190	4,662	2,074	547	2,264	4,885
*Amalgamated Society of Boilermakers Shipwrights	114,927	2,093	348	2,454	—	19	702	2,129	2,979	3,768	3,243	551	2,524	971	4,046
Blacksmiths and Structural Workers	112,299	2,872	445	3,077	972	86	1,602	1,336	3,070	11,124	11,131	636	9,621	954	11,211
*National Graphical Association	109,155	2,803	425	3,682	—	92	98	2,546	3,088	5,068	5,662	1,091	3,736	1,148	5,975
Association of Professional Executive Clerical and Computer Staff (APEX)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total of above unions with 100,000 members or more	9,227,149	219,919	19,768	253,140	1,310	6,147	28,748	161,681	219,681	259,163	292,622	93,582	149,623	73,554	316,759
Total of 386 other listed unions with less than 100,000 members	2,489,597	72,304	9,557	99,598	415	964	6,289	67,880	79,087	95,318	115,829	32,386	54,065	41,973	128,424
Total of listed unions	11,716,746	292,223	29,325	352,738	1,725	7,111	35,037	229,561	298,768	354,481	408,451	125,968	203,688	115,527	445,183
Trades Union Congress	—	4,749	334	6,237	—	—	665	2,805	4,575	1,466	3,128	659	2,644	1,313	4,616
Total of 42 other unlisted unions which have submitted returns	27,644	1,142	1,718	10,590	1	—	79	2,746	7,070	16,018	19,538	197	8,561	16,826	25,584
TOTAL for all unions for 1982	11,744,390	298,114	31,377	369,565	1,726	7,111	35,781	235,112	310,413	371,965	431,117	126,824	214,893	133,666	475,383
TOTAL for all unions for 1981	12,311,234	284,457	23,945	335,946	3,202	9,059	37,842	223,630	303,159	318,319	351,106	104,806	187,110	96,392	388,308

* Ceased to exist as result of amalgamations (see paragraph 3.12).

Appendix 5 Summary of Statistics—Political Funds of Trade Unions, 1982

Notes

- (a) The figures are not in all cases a true indication of the proportion of members who have exercised their rights under the 1913 Act to be exempt from making the political contribution. 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 are required neither to pay the political levy nor to seek formal exemption. Where the number of members in these categories is substantial the proportion of total membership paying the levy will be reduced accordingly.
- (b) Adjusted figure.
- (c) The number of members contributing to the political fund at 31 December 1982 is not yet known to the Union and for this reason columns 1 to 3 have not been completed. The latest available figure supplied by the Union to the Office was that for the year ending 31 December 1980 and was 147,000 members contributing to the political fund. Total membership of the Union at year ending 31 December 1982 was 410,000.
- (d) Net figures taking account of deficits.
- (e) The Union adopted political objects in 1982 but contributions to the political fund did not commence until 1983.
- (f) See paragraph 3.20

Summary of Statistics – Political Funds of Trade Unions, 1982
(see paragraph 6.7)

Appendix

	Total Union Membership	Number of Members Contributing to the Political Fund	% of Total Membership Contributing to Political Fund	POLITICAL FUND			
				Income	Expenditure	Fund at Beginning of the Year	Fund at End of the Year
	(a) (1)	(a) (2)	(a) (3)	£ (4)	£ (5)	£ (6)	£ (7)
Amalgamated Association of Beamers Twisters and Drawers (Hand and Machine)	582	—	—	—	—	(b)337	337
*Amalgamated Society of Boilermakers Shipwrights Blacksmiths and Structural Workers	114,927	63,051	55	48,753	63,296	166,294	151,751
Amalgamated Textile Workers Union	19,500	18,283	94	13,295	10,737	32,599	35,157
Amalgamated Union of Engineering Workers (Constructional Section)	25,234	18,314	73	18,249	11,993	24,785	31,041
Amalgamated Union of Engineering Workers—Engineering Section	1,002,016	655,894	65	861,490	572,137	416,808	706,161
Amalgamated Union of Engineering Workers—Foundry Section	42,673	27,000	63	21,085	29,803	-2,967	-11,685
Amalgamated Union of Engineering Workers—Technical Administrative and Supervisory Section	172,256	100,033	58	139,260	83,248	205,984	261,996
Associated Society of Locomotive Engineers and Firemen	24,863	23,174	93	38,531	37,508	44,829	45,852
Association of Cinematograph Television and Allied Technicians	21,012	1,511	7	2,357	2,664	4,498	4,191
Association of Patternmakers and Allied Craftsmen	8,212	5,200	63	5,616	2,697	2,939	5,858
Association of Professional Executive Clerical and Computer Staff (APEX)	109,155	76,313	70	96,634	78,340	181,089	199,383
Association of Scientific Technical and Managerial Staffs	(c)—	(c)—	(c)—	131,000	101,000	(b)-105,000	-75,000
Bakers Food and Allied Workers Union	37,644	35,994	96	20,156	20,161	352	347
Ceramic and Allied Trades Union	27,408	26,890	98	18,673	18,812	1,847	1,708
Cloth Pressers Society	16	—	—	1	—	8	9
Confederation of Health Service Employees	231,504	212,414	92	222,962	178,810	80,364	124,516
Electrical Electronic Telecommunication and Plumbing Union	416,486	323,793	78	166,809	170,312	150,355	146,852
Fire Brigades Union	42,517	26,581	63	27,541	15,990	19,754	31,305
Furniture Timber and Allied Trades Union	60,756	37,062	61	18,944	23,328	5,543	1,159
General Union of Associations of Loom Overlookers	1,434	1,314	92	338	649	588	277
Iron and Steel Trades Confederation	95,493	49,326	52	51,000	51,069	194	125
Liverpool Victoria Section of the National Union of Insurance Workers	2,685	163	6	55	—	10,856	10,911
Musicians Union	39,600	24,680	62	3,046	3,533	-283	-770
National Association of Colliery Overmen Deputies and Shotfirers	18,237	17,652	97	28,633	16,084	31,164	43,713
National Association of Colliery Overmen Deputies and Shotfirers Durham Area	1,505	1,505	100	1,589	1,151	870	1,308
National Association of Colliery Overmen Deputies and Shotfirers (Northumberland Area)	708	700	99	822	803	1,379	1,398
National Association of Colliery Overmen Deputies and Shotfirers (Scottish Area)	1,565	1,565	100	1,863	1,142	2,649	3,370
National Association of Colliery Overmen Deputies and Shotfirers (Yorkshire Area)	8,733	8,679	99	5,430	8,006	1,154	-1,422
National Association of Theatrical Television and Kine Employees	19,671	10,305	52	3,785	4,321	18,415	17,879
*National Graphical Association	112,299	46,893	42	17,623	11,215	26,799	33,207
National League of the Blind and Disabled	3,205	1,905	59	1,251	703	2,041	2,589
National Society of Metal Mechanics	29,076	24,078	83	10,000	15,000	36,355	31,355
*National Society of Operative Printers Graphical and Media Personnel	51,906	46,508	90	14,013	15,555	(b)12,557	11,015

cont.

Summary of Statistics—Political Funds of Trade Unions, 1982
cont. (see paragraph 6.7)

Appendix 5

	Total Union Membership (a) (1)	Number of Members Contributing to the Political Fund (a) (2)	% of Total Membership Contributing to Political Fund (a) (3)	POLITICAL FUND			
				Income £ (4)	Expenditure £ (5)	Fund at Beginning of the Year £ (6)	Fund at End of the Year £ (7)
National Union of Blastfurnacemen Ore Miners Coke Workers and Kindred Trades	5,399	2,593	48	6,882	3,475	2,407	5,814
National Union of Domestic Appliance and General Metal Workers	4,000	1,140	28	1,632	933	264	963
National Union of General and Municipal Workers	825,385	729,137	88	1,238,795	755,441	940,560	1,423,914
National Union of Insurance Workers Prudential Section	13,361	9,347	70	7,219	5,493	2,329	4,055
National Union of Mineworkers	370,000	221,108	60	627,916	278,579	(b) 1,480,554	1,829,891
National Union of Mineworkers (Durham Area)	38,959	13,216	34	46,367	40,006	237,194	243,555
National Union of Mineworkers (Kent Area)	3,818	2,538	66	307	106	885	1,086
National Union of Mineworkers (Leicester Area)	2,704	2,679	99	5,137	4,610	5,698	6,225
National Union of Mineworkers (Northumberland Area)	16,449	5,760	35	23,239	12,719	25,144	35,664
National Union of Public Employees	702,159	684,893	98	1,016,564	1,281,417	282,042	17,189
National Union of Railwaymen	150,410	145,158	96	170,141	175,549	239,370	233,962
National Union of Scalemakers	1,321	17	1	19	2	168	185
National Union of Seamen	31,055	23,535	76	19,419	19,455	15,095	15,059
National Union of Sheet Metal Workers Coppermiths and Heating and Domestic Engineers	58,837	50,000	85	46,925	28,896	88,254	106,283
National Union of Tailors and Garment Workers	76,785	68,169	89	53,468	49,623	40,813	44,658
National Union of the Footwear Leather and Allied Trades	44,187	38,993	88	23,936	23,659	10,480	10,757
Post Office Engineering Union	136,551	101,492	74	151,710	107,859	67,747	111,598
Power Loom Carpet Weavers and Textile Workers Union	3,341	3,291	98	1,985	2,101	374	258
Rosendale Union of Boot Shoe and Slipper Operatives	4,043	4,007	99	1,278	1,162	1,850	1,966
Scottish Carpet Workers Union	1,173	1,173	100	606	653	192	145
* Society of Graphical and Allied Trades 1975	178,176	78,440	44	58,067	35,369	(b) 96,466	119,164
* Society of Lithographic Artists Designers Engravers and Process-Workers	25,103	9,243	37	5,522	4,383	17,713	18,852
Society of Shuttlemakers	77	5	6	1	—	3	4
Society of Union Employees (NUPE)(e)	—	—	—	—	—	—	—
Tobacco Workers Union	15,841	8,937	56	10,327	4,958	18,830	24,199
Transport and General Workers Union	1,632,991	1,604,230	98	(f) 879,446	943,336	1,084,037	1,020,147
Transport Salaried Staffs Association	60,215	50,167	83	72,609	50,612	39,515	61,512
Union of Communication Workers	198,374	186,270	94	270,135	155,274	60,115	174,976
Union of Construction Allied Trades and Technicians	261,489	171,000	65	93,600	116,537	55,205	32,268
Union of Shop Distributive and Allied Workers	417,241	384,512	92	313,075	266,613	206,576	253,038
Total of the 63 unions with political funds for 1982	8,022,322	6,487,830	81	7,137,131	5,918,887	(d) 6,395,036	(d) 7,613,280
<i>Total of the 68 unions with political funds for 1981</i>	<i>8,904,733</i>	<i>7,170,996</i>	<i>81</i>	<i>6,010,950</i>	<i>4,843,994</i>	<i>(d) 5,288,801</i>	<i>(d) 6,455,757</i>

* Ceased to exist as result of amalgamations (see paragraph 6.7)



Appendix 6

Summary of Statistics—Employers' Associations, 1982

It may be difficult to correlate these figures with those in the association's published accounts. Where an association has functions outside the field of industrial relations the return will relate to its activities as a whole and not merely to its industrial relations functions.

Notes

- (a) The gross assets figures take no account of liabilities. The net worth of employers' associations is indicated in column 6.
- (b) Income from Investments includes interest on short term deposits.
- (c) Total Income and Gross Expenditure include all items which increased or decreased an employers' association's funds during the year and are not confined to normal revenue income and expenditure. Tax recoveries and provisions no longer required are therefore included in Total Income.
- (d) Adjusted to take account of later information.

Summary of Statistics—Employers' Associations, 1982
(see paragraph 3.11)

Appendix 6

	GROSS INCOME			Gross Expenditure (c) £000s (4)	TOTAL FUNDS		GROSS ASSETS(a)				Number of Members (11)
	From Members (1) £000s	From Investments (b) £000s (2)	Total Income (c) £000s (3)		Beginning of the year (5) £000s	End of the year (6) £000s	Fixed Assets (7) £000s	Investments (8) £000s	Other Assets (9) £000s	Total Assets (10) £000s	
Employers' Associations each with over £500,000 Total Income:											
Engineering Employers Federation	1,787	479	2,543	2,013	4,961	5,491	141	5,211	1,026	6,378	19
West Midlands Engineering Employers Association	713	52	1,130	1,181	841	790	282	491	201	974	958
Engineering Employers London Association	718	82	922	919	386	389	63	231	234	528	1,023
Engineering Employers West of England Association	419	28	646	639	168	175	136	67	103	306	387
14 other Engineering Employers Associations in Great Britain	2,479	229	3,154	2,993	1,669	1,830	847	598	1,361	2,806	3,045
*National Farmers Union	7,635	618	8,389	7,885	(d)9,932	10,436	7,452	866	3,823	12,141	123,056
*General Council of British Shipping	2,640	101	6,068	6,193	880	755	547	15	4,109	4,671	205
*British Shipping Federation	4,802	392	5,462	5,407	2,262	2,317	899	1,313	1,269	3,481	10,000
National Federation of Building Trades Employers	970	116	4,545	4,386	1,323	1,482	1,310	207	3,046	4,563	14,226
*Freight Transport Association Limited	—	—	3,905	3,905	—	—	—	—	428	428	19
Test and County Cricket Board	1,177	980	2,666	2,391	1,127	1,402	116	6,414	1,762	8,292	2,251
Electrical Contractors Association	1,865	153	2,418	2,354	119	183	60	290	324	674	199
*Chemical Industries Association Limited	1,680	74	1,949	1,949	516	516	483	206	188	877	2,508
British Printing Industries Federation	1,464	—	1,737	1,834	1,483	1,386	1,860	78	383	2,321	14,545
Motor Agents Association Limited	1,363	109	1,508	1,471	277	314	99	147	311	557	281
Newspaper Society	1,336	65	1,431	1,187	911	1,155	356	408	506	1,270	29,202
National Federation of Retail Newsagents	901	71	1,352	1,308	791	835	1,163	54	473	1,690	11,726
*Road Haulage Association Limited	1,062	84	1,251	1,218	438	471	132	198	304	634	467
Federation of Civil Engineering Contractors	1,068	23	1,146	1,191	308	263	17	53	305	375	49
*Incorporated National Association of British and Irish Millers Limited	654	218	1,139	1,111	233	261	110	454	197	761	1,194
Heating and Ventilating Contractors Association	927	48	1,131	1,134	138	135	63	127	157	347	74
British Paper and Board Industry Federation Limited	828	91	974	911	637	700	181	549	143	873	20,087
Federation of Master Builders	625	—	890	855	78	113	101	—	143	244	4,500
*Dairy Trade Federation	844	6	852	848	47	51	33	8	137	178	12
Newspaper Publishers Association Limited	657	31	794	809	-28	-43	48	—	202	250	244
*Publishers Association	142	118	778	800	333	311	80	231	207	518	1,715
*British Jewellery and Giftware Federation Limited	510	29	540	527	221	234	72	51	218	341	16,272
*National Farmers Union of Scotland	494	—	526	512	90	104	—	—	218	218	36
Representative National Organisation of Employers of Local Authorities Administrative Professional Technical and Clerical Services	39,760	4,197	59,846	57,931	30,141	32,056	16,651	18,267	21,778	56,696	258,300
Total of above employers' associations	7,122	654	8,760	8,538	4,420	4,642	1,875	2,384	3,176	7,435	54,267
Total of 121 other listed employers' associations	7,467	596	8,942	8,798	3,779	3,923	1,847	2,073	2,471	6,391	26,866
Total of 178 other unlisted employers' associations	54,349	5,447	77,548	75,267	38,340	40,621	20,373	22,724	27,425	70,522	339,433
TOTAL of all employers' associations for 1982	50,727	4,494	74,171	71,389	34,589	37,371	18,543	21,598	20,690	60,831	353,774
Total of all employers' associations for 1981											

*Unlisted employers' associations.

Mergers completed in 1983
(under the Trade Union (Amalgamations, etc.) Act 1964)

Transfers of engagements effected		
Engagements transferred from	To	Transfer registered on
TRADE UNIONS		
The British Fire Service Federation	National Association of Fire Officers	10. 1.83
Youth Hostels Association Staff Association	Association of Scientific Technical and Managerial Staffs	10. 2.83
The British Roll Turners Trade Society	Amalgamated Union of Engineering Workers—Engineering Section	5. 4.83
The National Association of Executives Managers and Staffs	National Association of Theatrical Television and Kine Employees	10. 6.83
The National Society of Brushmakers and General Workers	Furniture Timber and Allied Trades Union	13.10.83
The Scottish Lace and Textile Workers Union	General Municipal Boilermakers and Allied Trades Union	28.10.83
Association of Management and Professional Staffs	Electrical Electronic Telecommunication and Plumbing Union	18.11.83
National Union of Sheet Metal Workers Coppersmiths and Heating and Domestic Engineers	Amalgamated Union of Engineering Workers—Technical Administrative and Supervisory Section	20.12.83
EMPLOYERS' ASSOCIATIONS		
Coventry and District Engineering Employers Association	West Midlands Engineering Employers Association	1.12.83

Amalgamations effected		
Amalgamating Unions*	Forming	Amalgamation registered on
The Burnley Building Society Staff Association <i>with</i> Provincial Building Society Staff Association	National and Provincial Building Society Staff Association	5.12.83

*There was no amalgamation of employers' associations during 1983.

Appendix 8 (see paragraph 7.9)

Trade unions which applied for refunds of expenditure incurred in holding secret postal ballots

Trade Union	Ballot Papers		Percentage Poll	Amount Paid £
	Distributed	Returned		
Assistant Masters and Mistresses Association	527	395	75%	416.15
Association of Education Officers (1 application)				
Ballot 1	797	542	68%	} 206.68
Ballot 2	797	391	49%	
Association of Public Service Finance Officers	2,190	766	35%	619.35
British Association of Occupational Therapists	865	636	74%	328.67
British Orthoptic Society	797	426	53%	147.11
Chartered Society of Physiotherapy	20,061	2,783	14%	1,443.54
Immigration Service Union	1,132	792	70%	221.78
Institute of Journalists (two applications)				
Ballot 1	2,157	348	16%	460.36
Ballot 2	2,195	719	33%	518.16
National Association of Fire Officers	3,612	2,601	72%	176.84
National Association of Head Teachers (three applications)				
Ballot 1	770	399	52%	230.52
Ballot 2	23,173	4,029	17%	4,200.76
Ballot 3	457	178	39%	*
Professional Association of Teachers	22,500	4,534	20%	4,600.83
Retail Book Stationery and Allied Trades Employees Association (1 application)				
Ballot 1	7,392	5,640	76%	} Nil
Ballot 2	615	556	90%	
Royal College of Nursing of the United Kingdom	187,844	90,713	48%	42,178.78
Society of Chiropodists	4,781	1,153	24%	1,283.52
Society of Radiographers	8,199	1,894	23%	2,346.42

These unions submitted a total of 18 applications.

*Application under consideration at 31 December 1983.

Appendix 9 (see paragraph 6.19)

E M L PARKIN and ASSOCIATION OF SCIENTIFIC, TECHNICAL AND MANAGERIAL STAFFS

Dates of Hearing 5, 6 and 9 August 1982

Date of Decision 23 February 1983

Note

The Introduction to the decisions of the Certification Officer in this case (paragraphs 1 to 11 of the decision) which dealt with a number of procedural issues raised by the complaints is not reproduced here. For ease of reference the decision as published in this Appendix commences with paragraph 12 (the first complaint) in order that it retains the original paragraph numbering.

Mr Parkin made a number of complaints under section 3(2) of the Trade Union Act, 1913, ("the 1913 Act"), alleging that his Union, the Association of Scientific, Technical and Managerial Staffs (ASTMS), ("the Union"), had breached its political fund rules. The complaints and the decisions reached were indexed in the decision document as follows:—

Complaint No.	Subject of Complaint	Decision	Paragraphs
1	Number of members paying the political levy.	Dismissed	12 — 19
2 & 3	Certain legal and related costs.	Dismissed	20 — 43
4	Expenses of the Union's "Parliamentary Committee".	Dismissed	44 — 56
5	Contribution towards purchase of property at Walworth Road (Labour Party HQ).	Justified	57 — 86
6	The political fund overdraft.	Dismissed	87 — 94
7	Donations from the Union's wholly owned companies.	Part justified Part dismissed	95 — 120
8	Withdrawn.	—	—
9	Costs of the Union's 1980 and 1981 annual conferences.	Dismissed	121 — 130
10	Administrative expenses.	Dismissed	131 — 159
11	Withdrawn.	—	—
12	Donations to the "Leader of the Opposition's Office at Parliament".	Justified	160 — 173

Mr Parkin withdrew complaints numbered 8 and 11 before the hearing; the complaints numbered 2 and 3 were, with the agreement of the parties, taken together because of similar features and were covered by a single decision.

Mr Parkin's complaints, if they were to be heard by the Certification Officer, had to allege one or more breaches of the political fund rule of the Union. This was rule 36 of the Union's rule book. The complaints related variously to rule 36(a), (b) and (h). These sections of rule 36 are set out in full at the end of this appendix; they are not reproduced in the text of the separate complaints and decisions unless there is good reason to do so.

COMPLAINT 1

12. Mr Parkin's first complaint is that the Union was in breach of its rule 36(h) because members who were not exempt from contributing to the political fund of the Union were not paying the political levy.

13. When Mr Parkin made his complaint, rule 36(h) read as follows:—

"36(h) The contribution to the Political Fund of the Association shall be 10p every calendar month, payable on the first day of each month. The Executive Council shall give effect to the exemption of members to contribute to the Political Fund of the Association of Scientific, Technical and Managerial Staffs by making a separate levy of contributions to that Fund from the members of the Union who are not exempt. No monies of the Association of Scientific, Technical and Managerial Staffs other than the amount raised by such separate levy shall be carried to the Political Fund of the Association of Scientific, Technical and Managerial Staffs. The first levy shall not come into force until the expiration of one month from the publication of the notice to members under clause (d) hereof, nor shall any levy come into force as respects a new member until the expiration of one month from his being supplied with a copy of this rule under clause (m) hereof on admission to the Union".

By the time of the hearing the "10p" in the first sentence of the rule had been increased to "25p", but this change has no effect on the issue raised by the complaint.

Mr Parkin's Case

14. Mr Parkin produced evidence to show that the amount received by the Union through the levy was less than the amount which would have been received if the levy was being paid by all the members who, according to the Union's published figures, should have been paying it. He said that the Union was not collecting 10p per member which it should have been doing and was obliged to do. He referred to the first sentence of rule 36(h) in particular.

The Union's Reply

15. Mrs Turner explained the difficulties the Union faced in trying to persuade members either to pay the levy or to complete contracting-out forms to exempt themselves from the obligation to contribute to the political fund. She pointed out that in this respect the Union operated at branch level through lay representatives.

Decision

16. It is not in dispute that some members who should have been paying the political levy under the Union's rules were not doing so. The only issue for my decision is whether this amounted to a breach by the Union of rule 36(h). It is not for me to consider whether an individual member of the Union who fails to pay the levy when he should be doing so thereby commits a breach of rule 36(h). Mr Parkin brought his complaint against the Union and not against individual members. The question for me is whether rule 36(h) imposes a duty on the Union to ensure that all non-exempt members pay the levy.

17. I have no doubt that rule 36(h) imposes no such duty. The first sentence merely states how much the levy shall be each month, and when it shall be payable. It does not deal—and the rule does not deal—with the collection of the levy at all. In my opinion the rule is not capable of being construed as having the effect of placing the Union in breach when an individual non-exempt member fails, for whatever reason, to pay the levy, or fails to pay on the first day of the month.

18. I draw support for my conclusion from the decision of the Chief Registrar of Friendly Societies in *Edwards and National Federation of Insurance Workers*, reported in the Chief Registrar's Report for 1949. On that occasion the rule under scrutiny was similar to rule 36(h), but the facts were different because no political payments had ever been collected by the union concerned. The Chief Registrar said:—

"I cannot see that any duty to make a separate levy is imposed upon the executive committee except by way of giving effect to the exemption and no political contributions having been demanded by the union or executive committee it becomes otiose to give "effect to the exemption"..... My conclusion must therefore be that Rule 13 nowhere imposes upon the union or the executive committee an unqualified and unconditional duty to make the collection of political contributions from members who are otherwise bound to contribute. The most that the rule does in this direction is to give to the union a power which, having satisfied certain conditions, it may exercise and which it could not exercise but for that rule".

Commenting on this decision in his "Modern Trade Union Law" (Second edition, 1966, at page 259), Professor Grunfeld observes that

"It would appear to be a logical corollary of this discretionary power that a union (or its branches) may collect contributions from part of its membership only and is not obliged to universalise the levy among those members who have not claimed exemption from the obligation to contribute".

I agree with that observation.

19. For these reasons I dismiss this complaint.

20. The complaints which at the hearing were referred to as the second and third complaints concern expenditure related to previous disputes between Mr Parkin and the Union about political or allegedly political matters. Because of these similarities and with the agreement of both parties they were taken together at the hearing and I shall deal with them together here as one complaint.

21. The extent of the complaints had not, as it turned out, been made clear before the hearing. However, the facts are not in issue.

The facts

22. The disputes to which Mr Parkin referred centre on a series of legal actions brought by Mr Parkin against the Union. The first action was a complaint under section 3(2) of the 1913 act alleging that the Union had acted in breach of its political fund rules. This was heard by my predecessor on 11 April 1979. On that occasion Mr Parkin's complaint related to the exclusion by the Union of members who did not pay the political levy from proposing amendments to or voting on motions which had been proposed on the agendas for annual delegate conferences of the Union and which the Union had designated as political motions. My predecessor upheld Mr Parkin's complaint in part.

23. The second action was brought by Mr Parkin in the Queen's Bench Division of the High Court and heard by Mr Justice Woolf in February 1980. Mr Parkin's branch of the Union wanted the National Executive Council of the Union to refund to it some of the political levy money collected by the branch so that it could give the money to the Conservative Party for certain purposes. The National Executive Council refused. Mr Parkin's court action was successful in part in that he obtained a declaration to the effect that the fact that the Union was affiliated to the Labour Party did not impose an additional limitation on the branch as to the use which it might make of a grant out of the political fund of the Union. He did not however obtain a declaration that the branch was entitled to the refund, because one of the particular purposes for which the money was to be given to the Conservative Party fell outside the political objects in rule 36(a). No order as to costs was made.

24. Following that case the National Executive Council proposed that the Union should change its rules. The effect of the proposed change was to prevent branches giving money to other political parties when the Union's policy was to support the Labour Party and when the Union was itself affiliated to the Labour Party. Preparatory to this change in the rules, a circular letter (GS297) dated 13 February 1980 and written by the Union's General Secretary, Mr Clive Jenkins, was sent to all branches and divisional councils of the Union. It enclosed the proposed amendments and notified branches and divisional councils that they were entitled to submit amendments to the proposals. The circular letter said that legal advice had been sought as to the manner in which

the rules could be changed. It also said that, since the amendments were to the political fund rules and related precisely to the control and management of the funds, only those members who paid the political levy could participate in the debate at branch level and vote.

25. In view of this circular Mr Parkin again took legal action. He sought an injunction in the Queen's Bench Division of the High Court to restrain the Union from instructing branches to disallow participation or voting on any amendment or proposed amendment to rule 36 by members who do not pay the political levy. He also sought to restrain the Union from ordering a conference vote on any amendment to rule 36 to be taken by card vote showing branch political membership only.

26. On 7 March 1980 a further circular letter (G710) written by Mrs Turner was sent to all branch secretaries and divisional council secretaries advising recipients of Mr Parkin's further court action. It went on to say that on legal advice all consideration of the rule change motions and amendments to the motions had to be suspended until 31 March when the action would be heard.

27. Mr Parkin succeeded in his application for an injunction at the interlocutory stage: on 31 March 1980 Mr Justice Boreham granted a temporary or interim injunction in the terms requested pending a full trial of the issues by the Court at a later date.

28. On 2 April 1980, after the granting of the injunction, a third circular letter (GS323), written by Mr Jenkins, was sent to all National Executive Council members, to branches, divisional councils and the Standing Orders Committee. This set out the terms of the injunction but did not refer to legal advice. It said that branches must now discuss the amendment without restricting the discussion to members who paid the political levy. It also set out the new timetable, made necessary by the legal action, for the tabling of proposed amendments.

29. The Union's Annual Delegate Conference in 1981 decided which way the Union should cast its vote in the election for the post of Deputy Leader of the Labour Party on a vote which was not confined to the political levy paying membership. An appendix to the Annual Report of the Union presented to the 1982 Annual Delegate Conference stated that the decision to allow an open vote to all members was taken on legal advice.

Mr Parkin's Case

30. Mr Parkin submitted that the following costs incurred by the Union should have been paid out of its political fund:—

- (i) the legal costs incurred in relation to the complaint heard by the Certification Officer (paragraph 22), the case heard in the High Court (paragraph 23) and the application for an injunction heard in the High Court (paragraph 27);

- (ii) the legal costs incurred in preparing and issuing circular letters GS297 (paragraph 24); G710 (paragraph 26) and GS323 (paragraph 28); and specifically the cost of the legal advice referred to in circular letter GS297, the cost of drafting the proposed amendments to rule 36 that were enclosed with circular letter GS297, and the cost of the advice of legal experts required for the drafting of the circular letters G710 and GS323;
- (iii) the costs of printing, circulating and distributing circular letters GS297, G710 and GS323;
- (iv) the cost of legal advice regarding the voting at the 1981 Annual Conference on the question of the Deputy Leadership of the Labour Party (paragraph 29).

31. He included amongst the legal costs that he was complaining about the cost of advice and representation by solicitors and counsel; the cost of the time spent on the matters in paragraph 30 above by the General Secretary and Mrs Turner (the Assistant General Secretary); and the cost of the involvement of the Union's own legal department on those matters. This embraced staff time, letters, phone calls, travelling, subsistence and "other ancillary expenses".

32. Mr Parkin was not able to put a figure on the amount which he was alleging had been spent from the wrong fund. He referred me to a figure in the annual return for 1980* which shows that £216,111 was paid from the general fund in respect of "legal costs", but he was not able to say how much of that should have come from the political fund. Nor did he point me to any other expenditure by the Union or put any figure on the cost of printing, circulating and distributing the circular letters. However, he said he was thinking in terms of £3,000 to £5,000 if an order was made on this complaint.

33. The complaint which emerged was that these legal and related costs were paid out of the general fund in breach of rule 36(b), but should have been paid out of the political fund because they were payments in furtherance of the political objects in rule 36(a).

34. Mr Parkin did not submit that the payment of the expenses he was referring to was a direct payment on any of the objects in rule 36(a). His argument was that it was an indirect payment on those objects. The particular object that he mentioned was the object in rule 36(a)(ii). In his view all the expenses were incurred because of the Union's wish to support the Labour Party. He submitted that the legal expenses should have been paid for out of the political fund because they were paid with the object of furthering a political cause and ensuring that money did not go to the Conservative Party and that it only went to the Labour Party; it would therefore be available for

*Under section 11(2) of the Trade Union and Labour Relations Act 1974, as amended, a trade union must send me each year a return relating to its financial affairs. The return must contain audited accounts.

the support of Labour Party candidates and Members of Parliament. It would not have been necessary, he said, to change rule 36 or to issue the circular letter GS297 without the political motive which was to ensure that political fund money could only go to one political party, namely the Labour Party. Mr Parkin did not make it clear whether he was arguing that any payment of the expenses was an indirect payment in any other way.

The Union's Reply

35. Mrs Turner submitted that the costs that Mr Parkin was complaining about were properly charged to the general fund. She commented on some of the allegations about the Union's legal expenditure. She said that the whole of the proceedings before the Certification Officer was conducted on behalf of the Union by herself and that no external legal fees were incurred. A great deal of the argument in the case before Mr Justice Woolf had been about the powers of the National Executive Council under the general rules of the Union to require branches to conform to the policy of the Union. The Union decided to change its rules after Mr Justice Woolf made it clear that the National Executive Council did not have the powers that it thought it had and that the rules could be changed to give it those powers. She could not remember how much professional legal advice the Union had sought on circular letter GS297; she knew she had done the original draft although she might well have discussed it with the Union's lawyers. This circular letter was issued, she said, as part of the Union's normal procedures to provide branches with the opportunity to debate the proposed amendments. Mrs Turner argued that the issue of the other two circular letters (G710 and GS323) was a direct consequence of the injunction granted to Mr Parkin, with which the Union had complied. None of the circular letters was issued in pursuance of rule 36. As for the question of the Deputy Leadership of the Labour Party, she said that the decision that any vote on that issue should be open to every member resulted from the Union's experiences in court and discussions with its lawyers.

Decision

36. It seems to me that Mr Parkin is complaining about two distinct types of legal expenditure:—

- (i) internal expenditure, covering the proportion of officers' and staff salaries and general and office expenses which relates to the time spent on legal matters; and
- (ii) external expenditure, covering the fees paid to solicitors for legal advice and representation by solicitors and by counsel.

In my view the "internal" expenditure at (i) falls within the category of general administrative expenditure which is the subject of another of Mr Parkin's complaints to me.* Since the submission that it should be paid for from the

*See paragraph 131.

political fund therefore stands or falls with that complaint, I shall exclude the internal expenditure from my consideration of this complaint. Accordingly, this decision will deal, as far as legal expenditure is concerned, only with the contention at (ii) that the legal fees paid to the Union's solicitors in respect of the Union's disagreements with Mr Parkin should have been met from the political fund. It will also cover the complaint about the costs of printing, circulating and distributing the three circular letters.

37. As I understand it Mr Parkin's general point about the legal expenses is that the fees paid to solicitors should have been paid from the political fund because they were incurred by the Union in the course of disputes with him which were concerned with the support of political parties. That point does not of itself assist Mr Parkin since the only payments which rule 36(b) prohibits the Union from making out of the general fund are payments in furtherance of the political objects in rule 36(a). There is no restriction on the making of other payments, however political in nature they may be. Accordingly, Mr Parkin cannot succeed in this complaint unless the legal fees were payments in furtherance of one or more of the political objects in rule 36(a).

38. Mr Parkin did not submit that the payment of legal fees was a direct payment on any of the political objects in rule 36(a), and in my view it is clear that it was not. He did, however, submit that it was an indirect payment on those objects—he mentioned rule 36(a) (ii) in particular—apparently on the basis that it was incurred “in furtherance” of them because it was spent to ensure that political fund money would go to the Labour Party and not the Conservative Party. If my understanding of his submission is correct Mr Parkin's argument is therefore in substance that the payment of legal fees was indirectly a payment on the political objects because the reason why the payment was made—or to put it another way the Union's motive for, or intention in, making the payment—was to provide money for the Labour Party.

39. As I made clear in paragraph 16 of my decision in *Coleman and Post Office Engineering Union*, 1981 IRLR 427, I agree with the view my predecessor expressed in paragraphs 11 and 12 of *Richards and National Union of Mineworkers*, 1981 IRLR 247, that the intention or motive of the Union is not the correct test to apply to determine whether the payment was made in the furtherance of the political objects; the correct test is whether the payment that was made was expenditure on one of the listed objects. Accordingly, my view is that, even if Mr Parkin is right in his submission that the fees were paid to ensure that money would go to the Labour Party, the payment of the fees could not be a payment “in furtherance” of the political objects in rule 36(a) for that reason only.

40. However, Mrs Turner's evidence has persuaded me that there were many considerations behind each decision to take legal advice in relation to Mr Parkin's actions, and that not the least of these considerations was the wish to ensure that the Union's actions were within its rules and the law and that the

orders of the courts were obeyed and the requirements of the legal process were observed. Thus while I could accept Mr Parkin's submission that the Union wanted the money in its political fund to go to the Labour Party I would hesitate to conclude from that that the legal advice was sought for that reason alone.

41. As I have said above, Mr Parkin did not make it clear whether he was arguing that the payment of legal fees was an indirect payment on the political objects in any other way. However, it does not seem to me that a payment of legal fees is a payment in furtherance of the objects in rule 36(a) either directly or indirectly, even where the advice or representation has been sought in relation to the Union's political activities. I cannot accept that a payment of legal expenses is a payment in furtherance of those objects just because the remote end result may be that more money is available to be spent on those objects. The connection between the payment for legal advice and any payment that is ultimately made on the political objects is tenuous. Accordingly, I hold that the payment of solicitors' fees from the general fund was not a payment in furtherance of the political objects and was therefore not a breach of rule 36(b).

42. The only outstanding element of Mr Parkin's complaint concerns his submission that the costs of printing, circulating and distributing the three circular letters should be borne by the political fund. His argument about indirect expenditure on the political objects, discussed above, appeared to apply to these costs also, but in addition he submitted that these costs were expenditure, presumably direct expenditure, on the holding of meetings in support of candidates or prospective candidates to Parliament and that they therefore fell within the object in rule 36(a)(ii). The meetings to which he was referring were branch meetings and divisional council meetings and the annual conference at all of which the proposed rule changes were to be discussed. There is no support from the facts for the argument that these meetings were meetings in support of Parliamentary candidates and in my view there is no substance in it. Accordingly, whether or not the expenditure on printing and distribution was expenditure on the holding of meetings—and I do not need to decide that issue although I very much doubt that it was—the expenditure was not expenditure on the holding of meetings in support of a Parliamentary candidate. I would add, although Mr Parkin did not argue this point, that neither were the circulars literature in support of any such candidate. Accordingly, the expenditure was not on the political object in rule 36(a)(ii).

43. For these reasons I dismiss this complaint.

COMPLAINT 4

44. Mr Parkin complains that expenses of the Union's “Parliamentary Committee” have been met from the Union's general fund when they should have been charged to the political fund. He says that this was a breach of rule 36(b).

45. The facts are not in dispute. The Parliamentary Committee of the Union consists of a group of members of both Houses of Parliament who are members of the Parliamentary Labour Party and also members of the Union. Some of the Members of Parliament who are on the Committee are sponsored by the Union. There are no separate meetings of the Parliamentary Committee itself, but the Committee meets members of the National Executive Council of the Union once a month during the parliamentary session. These meetings take place over lunch and are usually held in the House of Commons. The General Secretary and other senior officials of the Union normally attend along with research officers. Representatives of other unions sometimes attend.

Mr Parkin's Case

46. The substance of Mr Parkin's complaint is that the expenses of these lunches, that is, food, drink and tobacco, should have been paid from the political fund of the Union because they were expenditure on the Union's political objects. He cited the objects in rule 36(a)(ii), (iii) and (v). He said that the expenses amounted to approximately £400 for each lunch and asked me to consider the complaint as relating to the years 1978-1981 inclusive. He did not produce any exact figure or any documentary evidence in support of the approximate figure he gave.

47. Mr Parkin submitted that any meeting which is organised and arranged to be held in the House of Commons must be political if it involves legislation or a change in the law. He said that the discussion which takes place across the table and over the meal would be of a political nature. He produced extracts from various journals which he claimed showed that the Parliamentary Committee frequently discussed political matters. He referred to a statement by Mr Jeff Rooker MP reported in the Union's journal of May/June 1982 that, more or less, the Thatcher Government chose the agenda for the Parliamentary Committee meetings. He also referred to minutes of a meeting of the National Executive Council in Harrogate on 21 May 1982 which listed three items under the heading "Political Session" and the sub-heading "Parliamentary Committee: minutes of 7 April and 5 May 1982". These items were "P110: Military Aircraft"; "Ten Minute Rule Bill"; and "Labour Party Conference 1982". Mr Parkin said that this last item must be political. He also produced an extract from the Union's diary for 1978 which described the Parliamentary Committee on the same page as a boxed paragraph which outlined the value of the Parliamentary Committee to members of the Union and exhorted members to pay the political levy.

The Union's Reply

48. Mrs Turner explained how the Parliamentary Committee came to be formed. She said that it acts in an advisory capacity to the National Executive Council on a whole range of issues affecting the Union generally, which on occasion might involve an attempt to change legislation. She pointed out that the page in the diary to which Mr Parkin referred says, under the heading "ASTMS Parliamentary Committee", that "the issues raised are industrial matters of great importance to various sections of our membership."

49. Mrs Turner produced a set of minutes of the meetings with the Parliamentary Committee. She described some of the matters that were discussed at the last meeting, which she said had a fairly representative agenda:—

"We discussed science policy and the union's policy in relation to science and technology. We discussed the problem we have of public health laboratory services in Elstree, some difficulties affecting members of the Agricultural Training Board, the question of helicopter safety which arose as a result of some of our members being involved in an accident during the course of their employment. We discussed the matter of university cuts, something which affects the livelihood of members working in the university service. We discussed junior hospital doctors and attempts we have been making to reduce the number of hours that junior hospital doctors who are members of the union have to work. We discussed on behalf of the Commercial Travellers' Association, UCTA, the matter of employer provided cars and whether they should be taxed as a "perk" or whether they should be regarded as a tool of the trade by commercial travellers. We discussed redundancies at a firm called Ransome, Hoffman and Pollard. We discussed genetic engineering. Some discussions had been proceeding in relation to our members employed in genetic engineering, and a visit to St. Mary's Hospital Medical School in Paddington was arranged. We discussed an EEC Commission proposal to amend the Community wine regulation which will also have some effect on the livelihood of our members; and a matter which is always before the committee, the matter of patient health hazards. At that meeting we also discussed the petro-chemical industry and the difficulties that are arising there, and arrangements were made to see the Secretary of State for Energy about problems affecting our members".

50. Mrs Turner agreed that the cost of the lunches would be of the order described by Mr Parkin. She argued that these expenses did not constitute expenditure of money on the holding of any meeting in support of candidates within rule 36(a)(ii); the Members of Parliament who attended the meetings were not "candidates" as they had already been elected to Parliament. She went on to say that the expenses were not "maintenance" within rule 36(a)(iii) either, because it was only a question of the occasional lunch and in any event not all the people who attended were Members of Parliament. Thirdly, the minutes show that the meetings were concerned with the ordinary industrial functions of the Union and therefore the expenses did not fall within rule 36(a)(v).

Decision

51. The question for me is whether the payment of the expenses of the lunches was a payment on any of the three objects that have been cited by Mr Parkin, that is the objects in rule 36(a)(ii), (iii) and (v).

52. I have no hesitation about agreeing with Mrs Turner that the payment of these expenses was not a payment on the object in rule 36(a)(ii). That object covers payments on the holding of any meeting in support of a candidate or

prospective candidate to Parliament or to any public office, and is clearly directed to expenses on election meetings. The lunches were not meetings in support of any candidate.

53. Nor do I think that the payment of the luncheon expenses was expenditure on the maintenance of Members of Parliament within the meaning of rule 36(a)(iii). The provision of an occasional lunch for a Member of Parliament attending a meeting does not in my view amount to expenditure on the maintenance of that Member. The position might be different if the Union was paying for the Member's lunch every day.

54. The object in rule 36(a)(v), which covers expenditure on the holding of political meetings of any kind, contains a proviso which excludes expenditure on meetings whose main purpose is the furtherance of the statutory objects. The statutory objects are defined to include, broadly speaking, all the normal industrial activities of a trade union. Whether or not the luncheon meetings were political meetings of any kind, any expenditure on the holding of them would not be a payment on the object in rule 36(a)(v) if the main purpose of the meetings was the furtherance of the statutory objects.

55. It seems to me that the matters discussed at the luncheon meetings are a good indication of the main purpose of those meetings. I have studied the minutes which Mrs Turner produced and these show that at each meeting—as with the meeting which she used as an example at the hearing—the great majority of matters discussed were matters of direct concern to union members in relation to their employment. They were not matters relating to elections or to the support of a political party or otherwise to the party political objectives with which all the objects in rule 36(a) are concerned. In these circumstances I am satisfied that the main purpose of the luncheon meetings was the furtherance of the statutory objects. In view of this finding there is no need for me to consider whether the expenses of the luncheon meetings were expenditure “on the holding” of meetings, or whether the lunches were political meetings of any kind.

56. For these reasons I find that the payment of the luncheon expenses was not a payment in furtherance of the political objects in rule 36(a)(ii), (iii) or (v), and that therefore there was no breach of rule 36(b). Accordingly, I dismiss this complaint.

COMPLAINT 5

57. Mr. Parkin complains that the Union acted in breach of its rule 36(b) by making a contribution of £42,952 from its general fund towards the purchase of property at Walworth Road to be used as a headquarters by the Labour Party.

Mr. Parkin's Case

58. Mr Parkin alleged that the contribution was a payment in furtherance of the Union's political objects, and that it should therefore have been made out

of the political fund. He cited as authority the recent decision of my predecessor in *Richards and National Union of Mineworkers*, 1981 IRLR 247 (“the Richards decision”).

59. Mr Richards was a witness for Mr Parkin at the hearing of this complaint and Mr Parkin relied on his evidence and submissions. Mr Richards said that he accepted the findings in the decision on his own complaint although he submitted, contrary to one of them, that the contribution to the consortium was not a commercial investment. In support of this submission he produced various documents which he said had been produced at the hearing of his own complaint. These included a letter which showed that the yearly rent which the Labour Party was asked to pay for the Walworth Road property for the first five years was £160,000, and that this was a reduction of £34,000 from the figure of £194,000 which an independent firm of valuers had advised was the figure at which the current rental value could reasonably be put.

The Union's Reply

60. Mrs Turner said that the Union did not dispute either that an investment of £42,952 had been made in the Walworth Road property or that it had been made from the general fund and not the political fund. She made it clear that the Union was and is a member of the consortium of trade unions which purchased the Walworth Road property and that one of the objects of the consortium was to acquire property which would then become a headquarters for the Labour Party. It was not disputed, she said, that the investment was made on a sympathetic basis, but she maintained that it was nevertheless a commercial investment.

61. Mrs Turner said that it seemed to the Union that a commercial investment was not a payment on any of the political objects in rule 36(a) which, she submitted, are very restricted indeed. The Union's experience from the judgment of Mr Justice Woolf in the high court action that Mr Parkin had brought against the Union showed that the courts took a narrow view of these objects.

62. Mrs Turner explained that the Union had made the investment from the general fund in good faith after receiving legal advice and she produced a copy of a summary of an opinion of Mr Anthony P Lester, QC. She said that the opinion had been sought by the National Union of General and Municipal Workers and that the main point in the summary—and this was the only point to which she specifically drew my attention—was the paragraph which read:—

“In conclusion, the only possible course, presenting the smallest practicable element of risk, is for the union's involvement in the Project to be on the basis only of a commercial investment supported by qualified advice.”

63. She submitted that the Union had therefore not acted in breach of its political fund rules. Indeed, the Union had no power to make the investment from the political fund because under rule 36(b) a payment can only be made from that fund if it is a payment in furtherance of the political objects in rule 36(a).

64. Mrs Turner emphasised that the Union was not happy with the Richards decision and took issue with it. In effect, her argument was that the Richards decision was wrong. She is, of course, quite entitled to make that argument to me.

Decision

The facts

65. It is clear that the relevant facts relating to the consortium and the purchase of the property are the same as those set out by my predecessor in the Richards decision. Mrs Turner confirmed that the Union's contribution was made from the general fund. The Union's annual returns for 1978, 1979 and 1980 were produced in evidence at the hearing and the 1978 return shows that the contribution of £42,952 was made in that year. It carries this statement under the heading "Wholly Owned Companies and Property Investments":—

"Deposit in respect of proposed consortium property investment (Note i)

1978	1977
£42,952	—"

Note (i) reads:—

"(i) The Association intends to invest as a member of a consortium in a Freehold Property and in a Management Company being formed to manage the property. Pending the purchase of the property the Association has placed £42,952 on deposit with the leader of the consortium."

Under the same heading the 1979 and 1980 returns both state:—

"Consortium investment in Leasehold Property—Walworth Road £42,952. Shares in Walworth Road Trade Union Management Co Ltd: £42".

I need not consider the £42 because Mr Parkin only complained about the £42,952.

66. There are therefore no factual differences between this complaint and Mr Richards' own complaint which might affect my decision. The question for me is whether I agree with Mrs Turner's contention that the contribution of £42,952 from the general fund was not a breach of rule 36(b). She referred me to the judgment of Mr Justice Woolf in *Parkin and Association of Scientific, Technical and Managerial Staffs*, 1980 ICR 662, and to the summary of the opinion of Mr Lester in support of this contention.

Mr Justice Woolf's judgment

67. Although Mrs Turner did not ask me to consider any specific passages from the judgment, she said that the decision of Mr Justice Woolf shows that the courts take a narrow view of the political objects in rule 36(a).

68. It seems to me that this decision is support for the proposition that a payment from the general fund on political objects is only a breach of rule 36(b) if it is a payment in furtherance of the limited, or restricted, political objects which are listed in rule 36(a). As Mr Justice Woolf put it (at p670):—

"Now, I would stress that while both the rule and section 3 have to be liberally construed, they use the term "political objects" in a restricted sense."

69. However, I do not think that the precedent is of any assistance to Mrs Turner in this complaint. Mr Justice Woolf was concerned with a proposed payment by Mr Parkin's branch of the Union to the Conservative Party which was to be used for two specific purposes. I take it that the learned judge considered that therefore the Conservative Party would in law either have to return the donation or, if it accepted it, would have to use it for the specified purposes. He decided that one of the two purposes fell within the objects in rule 36(a) and the other did not; accordingly the proposed donation, which was to be used for both the purposes, would only in part be a payment in furtherance of the political objects in the rule.

70. The word "purpose" was clearly used in a different sense in the High Court from the sense in which it was used in the Richards complaint. In the former case, it was the purposes for or on which the money was to be spent by the recipient that were important and in the latter, the subjective purpose or intention of the Union in making the payment. Mr Justice Woolf did not consider the issue discussed in the Richards decision as to whether the word "furtherance" should be given a subjective interpretation, but nor did he in effect apply the subjective interpretation. He did not consider what the intention of Mr Parkin's branch would have been when it made the proposed payment. Rather, he considered whether a payment for use on the specified purposes would have been a payment on the political objects. Mr Justice Woolf's judgment therefore does not run counter to my predecessor's view that the subjective test is not the correct test. Indeed it is, if anything, support for it. As I have already said in my decision on an earlier complaint*, I agree with my predecessor's view on this point, although this issue is not directly relevant to this complaint because Mrs Turner did not argue her case on the basis of the subjective test.

71. Nor are Mr Justice Woolf's reasons for finding that one of the purposes fell outside the political objects applicable to my decision in this complaint. This is because the relevant facts are different. The purpose which fell outside the objects was "ensuring the co-operation and help of Conservative trade union MPs who are not at present allowed to be represented on the Union's Parliamentary Committee". Here, I am dealing with a contribution towards the purchase of property to be used as a headquarters by the Labour Party.

*See paragraph 39.

The summary of Mr Lester's opinion

72. The summary which Mrs Turner produced is a summary of an opinion written by Mr Lester for the National Union of General and Municipal Workers, as it then was. The opinion itself must have been written before the investment was made and therefore before Mr Richards brought his complaint to my predecessor. It is not clear from the summary whether the opinion was couched in general terms and based on hypothetical circumstances—although I think it likely that it was—or whether Mr Lester was asked to advise on the legality of the investment in the form that it was finally made. The summary of the opinion is not dated or signed and I was not told who prepared it. It begins:—

“This summary has been prepared in general terms. Each union should in considering this Summary and the Opinion ensure that its own rules are not contrary to the action to be taken”.

I take it from this that the compiler of the summary felt that the summary should be read together with the opinion and not on its own.

73. Although I have not had the benefit of reading the opinion I have studied the summary with great care. In my view it is open to several interpretations and I could not be confident from reading it that the effect of Mr Lester's advice was that the Union could make the particular investment that it did make with any certainty that it would not be acting in breach of its political fund rules. I cannot say whether or not I disagree with Mr Lester's advice, nor can I consider that advice or the reasoning on which it was based, because it is not clear from the summary what the advice was and it is not possible to detect with any precision Mr Lester's reasoning about section 3 of the 1913 Act.

74. For instance, the first sentence of paragraph B7 of the summary says:—

“The general conclusion reached in regard to the use of the general fund is that provided the payments are supported by a commercial investment approach divorced from a political approach, the general fund may be used with only a small risk, for the building.”

I do not know whether either Mr Lester or the writer of the summary would argue that there was a commercial approach in this case which was “divorced from a political approach” in such a way as to satisfy the proviso in that passage. In these circumstances I have not been able to obtain any assistance from the summary.

The Richards decision

75. For myself, I find the arguments of my predecessor in the Richards decision compelling and I agree with and intend to follow that decision. For the purposes of this complaint I therefore endorse the Richards decision and adopt all its relevant paragraphs as part of my decision. Paragraphs 6 to 12, 27 and 28, 52 to 84 and 87 to 89 are particularly relevant and it may be helpful if I go through them briefly pointing out some similarities and differences.

76. Paragraphs 6 to 12 deal with the interpretation of the Act and the rules made in pursuance of it. Paragraph 10 sets out Counsel's argument that the word “furtherance” (which is in the Union's rule 36(b)) should be given a subjective interpretation with the result that the decisive question would be whether the union made the payments with the purpose of furthering the political objects. My predecessor rejected this argument for the reasons given in paragraphs 11 and 12, and in this case Mrs Turner did not advance the same argument. Indeed, she did not conceal the Union's intention to help the Labour Party.

77. Paragraphs 52 to 61 set out the facts. The Union (ASTMS) was among the twenty contributing trade unions referred to in paragraph 57. I note that in paragraph 61 my predecessor took account of the fact that the rent charged was less than the rental value of the property. Mr Richards, on behalf of Mr Parkin, relied heavily on this reduction at the hearing before me in arguing that the payment was not a commercial investment.

78. Mrs Turner has, in essence, repeated in her argument before me the submission of Counsel that is in paragraph 62. She did not, however, make the submission that is in paragraph 64 which relies on the subjective test of the word “furtherance”. She did contend that an investment is not an expenditure of money on the expenses of a candidate, the holding of political meetings and so on, and I take it that some of the thoughts in the submission in paragraph 65 may have been behind this contention.

79. In paragraph 67 my predecessor found that the contribution of the union in that case was an investment and indeed a commercial investment. Although I have not had the benefit of hearing the oral evidence about the establishment of the consortium that was presented to my predecessor, or of seeing all the documents relating to it, I have no hesitation in agreeing on the evidence that has been placed before me that the contribution was an investment. As for whether the investment was commercial I have considered all Mr Richards' arguments to me and in particular his argument that the rent reduction for the first five years of the lease showed that the contribution was not a commercial investment. However, since that reduction was related to the fact, which was taken into account by my predecessor, that no premium was paid to the Labour Party in respect of the site value of the property, I am not persuaded that there is any reason to question my predecessor's finding that the investment was correctly described as a commercial investment.

80. Mrs Turner's submission that an investment is not the same as a payment is the argument considered and discussed in paragraphs 68 to 72. I entirely agree with the views of my predecessor on this issue and I hold that in this case there was a payment or expenditure of the £42,952.

81. Paragraphs 73 to 78 deal with the purpose of the union in making the investment. Paragraphs 27 and 28 are also important in this context. Since Mrs Turner did not seek to advance similar arguments to those in paragraph 73, I

shall not comment on these paragraphs, but I note for the record that Mr McKie, the Union's National Officer, Finance, said in evidence that he did not disagree with paragraph 78 as far as this Union is concerned.

82. Paragraphs 79 to 83 consider, on the basis that there was an expenditure of money, whether the payment in that case had in fact been made on any of the listed political objects. My predecessor concluded on two grounds that the payment was in the furtherance of the object that is in this Union's rule 36(a)(v) and on one ground that it was in the furtherance of some if not all of the other objects. I agree with the reasoning in those paragraphs and for those reasons I find that the investment of £42,952 was a payment in furtherance of the political objects in rule 36(a).

Restriction on use of the political fund

83. In addition to the submissions considered in the Richards decision, Mrs Turner submitted that this Union was prohibited from making the investment in Walworth Road from its political fund because of the second sentence of rule 36(b). This reads:—

"No payment shall be made out of the Political Fund, without the consent of the NEC and other than in furtherance of such political objects and subject to the policy of the Association for the time being in force."

The provision in this sentence which has the effect that the political fund can only be spent on the political objects is not a provision which is required by the 1913 Act to be included in the political fund rules of each trade union with a political fund. It is unusual if not unique among the provisions in the political fund rules of trade unions and it necessarily means that the Union has to be more careful than other unions before spending money from its political fund. However, I do not think that it has any bearing on this case. Although it would have had the effect of forbidding the making of the investment of £42,952 from the political fund if the investment had not been a payment in furtherance of the political objects, it cannot be relevant where, as I have found, the investment was a payment and was a payment in furtherance of the political objects.

84. For those reasons I find that there was a breach of rule 36(b) and that this complaint is justified.

Order

85. Paragraphs 87 to 89 of the Richards decision deal with the making of orders. Mr Parkin argued that a similar order would not be appropriate in this case because the political fund is already in deficit. He asked for an order forbidding any payments out of the political fund until the deficit had been cleared and £42,952 could be transferred to the general fund. I am not convinced that such an order would be justified or necessary to remedy the breach. It seems to me that it is for the Union to arrange its finances in such a way as to ensure that £42,952 is transferred from the political to the general fund, and I shall not restrict it as to how it may do this.

86. Mrs Turner was offered the opportunity to address me about any difficulty for the Union that she might foresee, because the Union's political fund is in deficit, in an order similar to that which was made in the Richards decision. She declined this opportunity. I therefore order the Union to transfer the sum of £42,952 from its political fund to its general fund.

COMPLAINT 6

87. Mr Parkin initially made his next complaint to me in these terms in a letter:—

"Running the political fund into deficit is surely not permissible as the rule states that contributions from the fund must be from the political levy at the rate of 10p (now 25p) per member per month. An overdraft must be a charge on the general fund either directly or indirectly and is illegal. Rule 36(h)."

More formally, his complaint is that the bank overdraft presently covering the deficit in the political fund has been charged to the general fund either directly or indirectly in breach of rule 36(h).

88. The Union's annual returns for 1979 and 1980, which were produced in evidence, show that the Union's political fund went into deficit in 1979 and that the deficit stood at £71,288 at the end of 1980.

Mr Parkin's Case

89. At the hearing Mr Parkin explained that he believed that a union should not run a fund like the political fund into overdraft; that an overdraft means that money other than levy money has been used to fund political activity and that this money has been carried into the political fund from the bank and not from the levies of the members. He alleged that there had therefore been a breach of the third sentence of rule 36(h) which reads:—

"No monies of the Association of Scientific, Technical and Managerial Staffs other than the amount raised by such separate levy shall be carried to the Political Fund of the Association of Scientific, Technical and Managerial Staffs."

The Union's Reply

90. Mr J McKie, the Union's National Officer, Finance, gave evidence about the financial position. He explained that the political fund has a separate account at the Union's bank, the Co-operative Bank, and that an arrangement had been made with the bank to allow the Union an overdraft facility for the political fund account up to a limit which was currently £90,000. The overdraft was unsecured and all the interest that accrued was charged to the political fund. The general fund was not used to back the overdraft and there was no charge on the general fund in respect of the overdraft.

Decision

91. It seems to me to be beyond doubt that rule 36(h) only prohibits the transfer of the Union's money to the political fund. It does not prevent other persons or organisations from contributing to the political fund or from providing money for it. Accordingly there would not be a breach of rule 36(h), nor as far as I can see of any other political fund rule, if a bank was providing an overdraft for the political fund unless the overdraft was being financed by the general fund.

92. Mr Parkin and his witness Mr Howard Wilson, a chartered accountant, alleged that money which had not been raised by the political levy was transferred from the general fund to the political fund while the political fund was in deficit. The transactions to which they referred are themselves covered by another of Mr Parkin's complaints to me and I shall consider them in their own right in my decision on that complaint.* However, those transactions were not related to the overdraft itself and there was no evidence to show that they occurred as a result of the overdraft or that they would not have taken place if the political fund had been in surplus. It therefore seems to me that they do not assist Mr Parkin in this complaint.

93. This complaint turns on the facts. No evidence was produced by Mr Parkin or his witness to challenge Mr McKie's account or to show that any general fund money has been used to finance the political fund overdraft.

94. I therefore dismiss this complaint.

COMPLAINT 7

95. Mr Parkin initially made his next complaint in these general terms:—

"Donations made by the wholly owned companies to the Labour Party have not been made from the Political Fund and comprise monies paid in good faith by opted out members."

In correspondence before the hearing the Union explained that certain companies had been formed in conjunction with a firm of insurance brokers in order to sell insurance to ASTMS members and others. The directors of these companies had decided that some of the profits from the sale of insurance should go to the Union's political fund.

96. I only have jurisdiction, under section 3(2) of the Act, to deal with a complaint brought by a member of a trade union if it is a complaint alleging a breach of one of that union's political fund rules. Accordingly, I cannot deal with Mr Parkin's complaint about the activities of the companies except insofar as he is alleging that there has been a breach or breaches of the Union's rule 36. The two sentences of that rule which are relevant are the first sentence of rule

36(b), which prohibits the Union from making any payments in furtherance of the political objects from any fund except the political fund, and the third sentence of rule 36(h) which provides that no monies of the Union other than the amount raised by the political levy shall be carried to the political fund.

Mr Parkin's Case

97. At the hearing Mr Parkin with the help of his witness Mr Howard Wilson explained and particularised his complaint by reference to the Union's annual returns for 1978, 1979 and 1980.

98. First, he drew my attention to a sum of £5,000 which the 1978 return shows to have been added to the political fund account during that year as "Prior Year Adjustments". The £5,000 was part of a figure of £54,753 removed from the general fund account under the same heading. A note to the accounts says that the £5,000 related "to a donation of £5,000 from a wholly owned company which was specifically for political purposes". Mr Parkin alleged that this £5,000 was monies of the Union which had been carried to the political fund in breach of the third sentence of rule 36(h).

99. Second, the 1978 return shows that a sum of £20,000 was transferred from the general fund account to a political purposes fund account which was set up to receive it. A note to the accounts in that return reads:—

"The transfer to the Political Purposes Fund comprises donations to the Association by directors of the wholly owned companies which have now been designated by them as donations for use at the direction of the National Executive Council, for political purposes."

The political purposes fund accounts in the 1978, 1979 and 1980 returns show that interest payments of respectively £41, £1,863 and £1,556 were made to that account during those years. A sum of £4,305 was spent from the account in 1978 and £89 remained in the account at the end of 1980. The balance, amounting to £19,066, was transferred to the political fund account in 1980. Mr Parkin alleged that monies of the Union other than the amount raised by the political levy had therefore been carried to the political fund in breach of rule 36(h). He was not sure whether the political purposes fund was part of the political fund or not; if it was, the allegation would concern the transfer of £20,000 in 1978; if not, it would concern the transfer of £19,066 in 1980.

100. Third, Mr Parkin referred to a sum of £4,305 which appears as an item of expenditure from the political purposes fund account in the 1979 return under the description "Political Grant Affiliation (see Note 5)". Note 5 is headed "Political Grants and Affiliations" and includes the item "European Election payments £4,375". Despite the discrepancy of £70, it is clear that the £4,305 was spent on the election expenses of the Labour Party during the 1979 elections to the European Parliament. Mr Parkin alleged that if the political purposes fund was not part of the political fund the payment of £4,305 was made in breach of the first sentence of rule 36(b) because it was a payment in furtherance of the Union's political objects.

*See paragraphs 95-120.

101. Mr Parkin also pointed out that the annual returns of the Union contain a number of statements to the effect that the directors of the relevant companies proposed to make various donations to the Union's political fund. However, he said that he could not find out from the accounts whether these proposed transfers took place and that he had no evidence as to whether money was transferred or not. His witness Mr Edward Barnett had looked into the accounts of the relevant companies at Companies House and he told me that he had found several references to proposed donations but that he could not find any record that any of these donations had in fact been made. Mr Parkin said that it seemed odd that the accounts should mention proposals to transfer rather than what had actually happened. However, he did not refer me to any transfers of money from the companies to the Union—either to its general or to its political fund—which I could consider in addition to the three specific items to which he drew my attention; so his complaint is restricted to those three items.

The Union's Reply

102. The background to the transactions was explained by the Union's witnesses. Mr Alan Bannister, a registered insurance broker and a senior partner of the firm of Hurst and Partners, said that the first of the insurance companies had been established around 1916 by an arrangement between Hurst and Partners and the Medical Practitioners' Union, which had later merged with the Union. The company provided an insurance service for all doctors. During the 1960s ASSET, one of the founder unions of ASTMS, had set up another company with Hurst and Partners to do the same thing for ASSET members. After the merger to form ASTMS, other companies were set up. Hurst and Partners provide all the services for these companies from their offices in Chelmsford. The Union provided no capital for these companies apart from the initial payments for the subscriber shares in the new companies, and it makes no contributions whatsoever to office overheads.

103. Mr Bannister, who is not a member of the Union, was himself a director of two of these companies, ASTMS Insurance Selection Limited and MPU Insurance Selection Limited, which were both incorporated in 1974. He said that there are six directors of ASTMS Insurance Selection Limited, two from his firm and four who are members of the Union. This company has a contractual arrangement with a company in which Mr Bannister is involved as a shareholder whereby the latter company runs the insurance organisation and a specific percentage of the commission is to be paid to ASTMS Insurance Selection Limited. For a number of years the directors of ASTMS Insurance Selection Limited made payments to the Union and in 1978 the directors unanimously decided to earmark the donations for political purposes. Mr Bannister said that he could not definitely confirm whether the decision that the money was to go to the political fund was made when the payments were made or at some time afterwards. His recollection was that the intention was to provide money for political purposes but that the method of doing that at that point was not clear. In other words, he said, £20,000 was going to go for political purposes but how to transfer the £20,000 in the most efficient way from the company's point of view was not clear.

104. Mr J McKie, the Union's National Officer, Finance, told me about the political purposes fund. He said that this fund was kept separate from the political fund because the Union's National Executive Council thought at the time that the Union's rules precluded the use of the political fund for EEC elections. A donation of £20,000 from the directors of the wholly owned companies was therefore made direct to the National Executive Council and put into the political purposes fund to be used for political purposes at the direction of the National Executive Council. The £4,305 was spent supporting Labour Party candidates at the 1979 European Parliament elections. Subsequently the balance that remained in the political purposes fund was transferred to the political fund.

105. On behalf of the Union Mrs Turner submitted that the companies were quite separate organisations registered under the Companies Act and that there is no restriction on the way in which companies may dispose of their funds for political purposes. She gave an example of company donations to the Conservative Party. However, on this occasion in 1978 the company directors—who, she said, are legally quite entitled to make donations to political parties—decided to make donations to the Union to be used for political purposes. Mrs Turner argued that this money was not money of the Union because a company is a separate entity which operates under a separate piece of legislation—the Companies Act—and which does not operate under the 1913 Act at all. She said that a lot of the evidence which was put before me was quite irrelevant to the 1913 Act and had relevance only to the Companies Act.

106. Mrs Turner also submitted that the specific items with which I am dealing in this complaint were not monies of the Union contributed in accordance with the rules but money which came from an outside source which is an independent organisation. The Union had acted quite legitimately within its rules. It is entitled to receive donations to its political fund and when the National Executive Council received the money from the directors with the specific instruction that it should be used for political purposes, they had every right to set up the political purposes fund for the European elections and then to transfer the remainder to the political fund. Mrs Turner said that as she understood it there was not a great deal of time between the payment in of the money and the allocation to the political purposes fund. Indeed, her recollection was that when the Union was told what the directors wanted to do, the allocation was made more or less immediately.

Decision

107. Having considered carefully all the submissions made to me and all the evidence—both oral and documentary—that was produced for and at the hearing, I have concluded that the evidence has not explained with any clarity the facts relating to the companies and the donations made by them. In particular, and this is a matter to which I shall return, the donations that were made and when they were made and their amount were not established.

108. In addition, it is not clear which companies made the donations. Mr Edward Barnett had investigated ten companies—one now dissolved—which according to him were wholly owned by the Union, but he had not found any record that donations had been made to the Union apart from donations made in 1972–73 by companies called ASTMS Insurance Services and MPU Insurance Society. However, he did find references to proposed donations by a holding company called ASTMS Holding Company Limited, which itself received money from other companies including ASTMS Insurance Selection Limited and MPU Insurance Selection Limited. Mrs Turner appeared to assume that the donations had been made direct to the Union by ASTMS Insurance Selection Limited and MPU Insurance Selection Limited, but there was no firm evidence to show that this was the case.

109. Further, the ownership and constitution of the companies was not made clear. Mr Bannister spoke of some of the companies as being limited by guarantee, while ASTMS Insurance Selection Limited and MPU Insurance Selection Limited were registered with a share capital of £100. I was told that Mr Clive Jenkins, the Union's General Secretary, held one share in each of these companies—although I was not told in what capacity he held the share—but it was not clear whether the other 99 shares were owned by the Union itself or by the ASTMS Holding Company Limited: nor was the ownership of the shares of the ASTMS Holding Company Limited explained.

110. These factual uncertainties do not, however, affect the decision that I have to reach. I agree with Mrs Turner that a lot of the evidence about the companies that was put before me is irrelevant to the complaint alleging breaches of the Union's rule 36. The relevant questions are whether the transfers of £5,000 and £20,000 (or £19,066) were breaches of rule 36(h), and whether the payment of £4,305 was a breach of rule 36(b).

111. I shall take the £5,000 first. It is quite clear that this money was transferred to the political fund in 1978. The sole issue for my decision is whether the money was money of the Union at the time of the transfer. If it was, the transfer was a breach of the third sentence of rule 36(h).

112. The evidence does not show that the money was transferred from the general fund as soon as it was donated. The transfer was called a "Prior Year Adjustment" and this must mean that the £5,000 was previously part of the surplus in the general fund account at the end of 1977. Any donations to which the transfer related must therefore have been made in 1977 or earlier and not in 1978. The note to the 1978 accounts says that the transfer did relate to a donation, although it does not specify whether the donation was of £5,000 or some other amount. Donations from wholly owned companies amounting to £5,450 are shown in the general fund account for 1978, but the transfer of £5,000 cannot relate to those donations, assuming as I do that it was properly called a "prior year" adjustment. It follows that whatever the intention of the

company or companies was in making any donation, and whenever any donations were made, the money did not pass straight through the general fund but rather lay in that fund for a period. Accordingly, its appearance in that fund was more than an accounting formality.

113. However, my main reason for concluding that the £5,000 was money of the Union at the time when it was transferred to the political fund is simply that it was money in the Union's general fund, as the general fund account shows. The third sentence of rule 36(h) seems to me to be quite unambiguous. It prohibits the transfer of any Union money to the political fund, except for money raised by the political levy. The prohibition is absolute and applies to all Union money, wheresoever it comes from.

114. This means that, if an individual or body wishes to donate money to the Union's political fund, it must do so directly and not by sending the money to the general fund to be transferred at a later stage. It may be, as Mrs Turner argued, that the companies involved in this complaint were entitled to make donations to the political fund. I do not need to decide that issue because the donations were not made to the political fund. The money was put into the general fund and in transferring it to the political fund the Union was acting in breach of rule 36(h). I therefore find Mr Parkin's complaint about the transfer of the £5,000 justified.

115. The same reasoning applies to the other transfer to the political fund. The money that was transferred was in my view money of the Union, whether it was the £20,000 which was transferred from the general fund in 1978 or the £19,066 which was transferred from the political purposes fund in 1980. It was money in one of the Union's funds and it appears as such in the accounts sent to me. As with the £5,000, and even if the earlier date is taken, the evidence does not support Mrs Turner's argument that the money was transferred out of the general fund as soon as it was received. Indeed, no donation or donations to the general fund capable of accounting for the £20,000 transfer from that fund are shown in the general fund accounts in the annual return for 1978. The only recorded donations in 1978 are donations of £5,450 to which I have already referred. The annual returns for the years before 1978 were not referred to at the hearing and I can therefore take no account of them. However it is interesting that no donations to the general fund from any source are recorded in the annual return for 1977, although unspecified donations amounting to £20,937 are recorded as being received during the three years 1974, 1975 and 1976. Nevertheless I do take account of the note to which I have already referred in the 1978 annual return about the transfer to the political purposes fund. This says that the transfer comprises donations which have now been designated by the directors for use for political purposes. The word "now" is, I think significant. It suggests that the donations may have been received before they were designated for that use. This interpretation is not contradicted by Mr Bannister's evidence that he could not confirm whether the decision that the money was to go to the political fund was made when or after the payments were made. His recollection was that the method of providing money for

political purposes was not clear at that point. Accordingly, I cannot rule out the possibility that the £20,000 which was transferred may, even in 1978, have been in the general fund for a considerable length of time.

116. However that may be, my view is that the political purposes fund was not a part of the political fund and that therefore the relevant transfer is the transfer of £19,066 in 1980 and not the transfer of £20,000 in 1978. Mr McKie said in giving evidence that the political purposes fund was kept separate from the political fund and he explained the reasons for this. The Union's annual returns confirm that the accounts of the two funds were separate. Accordingly, I find that the transfer of £19,066 from the political purposes fund was a transfer to the political fund in breach of the third sentence of rule 36(h) and that Mr Parkin's complaint about this transfer is justified.

117. It follows from my finding that the political purposes fund is not part of the political fund that the payment of £4,305 on the elections to the European Parliament was not made out of the political fund. Mr Parkin alleged that this payment was a payment in furtherance of the political object in rule 36(a)(i) and was therefore a breach of the first sentence of rule 36(b).

118. The object in rule 36(a)(i) relates to expenses on elections to Parliament or to any public office. Other elections do not fall within this object. I have no doubt that "Parliament" in a rule based on a 1913 statute of the United Kingdom Parliament refers to the United Kingdom Parliament and to no other. "Public Office" is no doubt included primarily to cover members of local councils; it is defined in rule 36(a) as meaning, apart from the offices specified in that rule, the office "of any public body who have power to raise money, either directly or indirectly, by means of a rate". I incline to the view that "rate" in the 1913 Act and in rule 36(a) is intended to mean only a United Kingdom rate, but in any event the European Parliament does not, as far as I know, have power to raise money by any means at all.

119. Accordingly, it seems to me that elections to the European Parliament are not elections to Parliament or to any public office within the meaning of the object in rule 36(a)(i). I therefore dismiss Mr Parkin's complaint that the payment of £4,305 was a payment in furtherance of that object, in breach of rule 36(b).

Order

120. I have found that the transfers of £5,000 and £19,066 were breaches of rule 36(h). I think that these breaches can only be remedied by an order for the return of the monies. It is clear that the £5,000 should be returned to the general fund. In the circumstances I think that the £19,066 should also be transferred to that fund. I therefore order the Union to transfer £24,066 from its political to its general fund.

121. The next complaint is that some of the costs of the Union's 1980 and 1981 annual conferences should have been paid from the political fund and that the payment of those costs from the general fund was in breach of the Union's rule 36(b).

122. The figures for expenditure relating to the 1981 conference were not produced at the hearing. The annual return for 1980, which was produced, shows that £109,415 was spent on the annual conference from the general fund in that year. Mr Parkin said that a proportion of that cost—he estimated the appropriate proportion to be about 20 per cent—should have been paid from the political fund because approximately that proportion of conference time was taken up with political discussion. He gave two examples. He cited, first, the time taken in 1980 to discuss and pass a proposed amendment to the Union's rule 36(b) and (c). This amendment was tabled by the National Executive Council following the decision of Mr Justice Woolf in the high court action brought by Mr Parkin against the Union, which had the effect that unless such an amendment was passed, a branch of the Union like Mr Parkin's branch would be entitled to a grant of money from the Union's political fund which it could then pay to the Conservative Party despite the Union's policy of support for the Labour Party. His second example was the time taken at conference in 1981 to discuss how the Union's delegation to the Labour Party Conference should cast its vote in the election for the position of deputy leader of the party.

123. In formal terms, Mr Parkin's complaint is therefore that since part of the payment of the expenses of the annual conferences was, given the political nature of the discussions, a payment in furtherance of the Union's political objects, the payment of that part of the expenses from the general fund was a breach of rule 36(b). Specifically, he alleged that the expenses were payments in furtherance of the objects in rule 36(a)(i), (ii) and (v).

Decision

124. The argument that the expenditure on the annual conferences was expenditure in furtherance of the objects in rule 36(a)(i) and (ii) is not, in my view, sustainable. The object in rule 36(a)(i) covers expenditure on the payment of election expenses and is clearly inappropriate. The object in rule 36(a)(ii) covers, inter alia, expenditure on the holding of meetings in support of candidates to Parliament or to public office. Mr Parkin argued that this object is relevant because of the discussion at the 1981 conference about the election to the position of deputy leader of the Labour Party. However, that election was not an election to Parliament or to public office as that term is defined in rule 36(a). The object in rule 36(a)(ii) is inappropriate for that reason and also because the annual conferences were not meetings in support of any candidate.

125. The complaint therefore turns on the object in rule 36(a)(v). This object covers payments on the holding of political meetings of any kind, but it does not cover payments on meetings, even if they are political, if their main purpose is the furtherance of statutory objects. Statutory objects are defined in

the rule to embrace, broadly speaking, all the Union's normal industrial activities. Annual conference is stated to be the governing body of the Union in rule 24(1), and it exercises control—subject to the rule book—over all the Union's activities. Even on Mr Parkin's estimate that 20 per cent of the discussion at conference is political as he understands the term, there can be no doubt that the main purpose of annual conference is the furtherance of statutory objects.

126. Mr Parkin attempted to surmount this hurdle by arguing in effect that annual conference was not one meeting but a series of meetings and that the purpose of each of the meetings must be considered separately. He said that conference is divided up into sessions and that delegates do not have to attend right through but can come in for particular items of discussion on specific topics. He submitted that each of these items—for instance the discussion on the proposed amendment to rule 36 in 1980 and the discussion on the election of the deputy leader of the Labour Party in 1981—was a meeting within a collection of meetings. His case was therefore that some of the meetings within conference did not have the furtherance of statutory objects as their main purpose and that the political fund should have borne the cost of that proportion of the overall conference expenses which corresponded to the proportion of conference time taken up by those meetings.

127. Mrs Turner contended that the Union's annual conference is not a collection of separate meetings as Mr Parkin had argued. Annual conference is called under Union rule 24, and is not regarded as a series of separate sessions. She agreed that at every conference people make political statements but thought that Mr Parkin was putting a much wider interpretation on "political" than was justified by a close reading of rule 36. She described annual conference as the policy-making body of the Union which is not a political meeting of any kind within the meaning of rule 36(a)(v).

128. In my judgement the individual items of business at conference are not separate meetings. Annual conference is organised and arranged as one meeting and delegates are elected to conference as a whole in accordance with rule 24. Although the programme of business for conference shows a morning and an afternoon session each day and divides business within each session into numbered items under general headings showing the time at which discussion on each item is due to begin, the numbered items are no more than individual items on the agenda of business for the meeting and I do not consider that they can be taken as constituting separate meetings within the meaning of rule 36(a)(v).

129. Accordingly, it is in my view the main purpose of annual conference as a whole and not the main purpose of each individual item of discussion which is relevant to this complaint. As I have already said, that purpose is the furtherance of statutory objects. Indeed, it seems to me that the statutory objects proviso in rule 36(a)(v) was included to cover precisely the sort of arguments that Mr Parkin has advanced in this complaint in relation to the

expenses of the Union's own conference. It is extremely unlikely that any annual conference of a union would be a "political meeting of any kind" under the rule, but, in case there might be room for argument on that point in certain special circumstances, the proviso makes it clear that the main purpose of the conference as a whole is decisive. Since the main purpose of these conferences was the furtherance of statutory objects the payment from the general fund of all the conference expenses was not a breach of rule 36(b).

130. I therefore dismiss this complaint.

COMPLAINT 10

131. When he first made his next complaint, Mr Parkin wrote:—

"No payments from the Political Fund appear to be recorded for such expenses as International Conferences, or the use of cars or transport charges to the numerous political meetings held".

He subsequently dropped his allegation about international conference expenses, but he expanded on the rest of his complaint in this way:

"No expenses for travel, apportionment of officers' time, subsistence etc. arise in the political fund account as a result of discussions of a political kind taking place by the NEC, various divisional councils and delegations to the Labour Party Regional Councils, GLRC and meetings within and without ASTMS which take up the time of ASTMS staff. I particularly refer to the very lengthy discussions which arose in the struggle for the deputy leadership of the Labour Party."

132. In an attempt to discover exactly what his complaint was, Mr Parkin was asked in correspondence whether it was accurately described in these words:—

"(10) Expenses (cars and transport charges, subsistence and apportionment of officers' time) incurred on political meetings,

- (a) outside ASTMS; and
- (b) inside ASTMS,

have been paid out of a fund other than the political fund and should have been paid out of the political fund."

and he was asked to specify the meetings (eg. those in which the deputy leadership of the Labour Party was discussed) he was referring to. He was also told that if he did not let me know to which meeting he was referring I would be unable to hear his complaint. His reply to me was:—

"I do not have specific details with regard to the many items which would comprise (10): I am only requesting that a sum of money should appear in the accounts as it does with other unions eg. the TGWU accounts have such an item and it might be appropriate to assume that roughly the same proportion of officers' time, travel and expenses are incurred within ASTMS."

133. Mr Parkin did not send me any further details. Nevertheless, I gave him the opportunity to explain his complaints to me on the third day of the hearing, after telling Mrs Turner earlier that I would not expect her to reply to individual items that had not been put to her beforehand. In the event, Mrs Turner was able to answer Mr Parkin fully on all but one of the items raised by him.

Mr Parkin's Case

134. At the hearing Mr Parkin made it clear that he was complaining about expenses which, he said, would be incurred whenever any activity of a political nature took place. He called these "administrative expenses" and the items which he mentioned under this general head included office expenses such as accommodation, rent, rates, heating, lighting, stationery, postage, telephone, printing; the cost of organising meetings or back-up to meetings; and staff and officers' time such as the time taken discussing, drafting, printing and checking circulars and documents with a political content and going to or organising conferences which involve political activity.

135. He referred to some specific meetings and documents which he used as examples of activities of a political nature. These were:-

- (i) certain meetings of the Union's delegation to the Labour Party Conference: he produced evidence of a meeting which took place at the Union's head office on 14 August 1980, and of meetings which took place at the Crest Hotel, Wembley on 23 January 1981;
- (ii) a meeting at the Union's College at Bishops Stortford of a group called "Trade Unions for a Labour Victory";
- (iii) a circular letter, which he produced, written in August 1978 by the secretary of the Union's No.8 Divisional Council, a Mr Brandon, to all the branches in that division asking for contributions from the branches' political funds to allow the division to help the Labour Party in the constituencies within its area at the forthcoming general election;
- (iv) an extract, headed Appendix 2, a copy of which he produced, from a document which he described as the Union's annual report. The extract concerned the proceedings of, and the Union's participation at, the 1980 Labour Party Conference and also at a Special Conference of the Labour Party held on 24 January 1981 at the Wembley Centre;
- (v) a passage, a copy of which he produced, appearing on pages 23, 24 and 25 of the 1980 edition of an eighty-page booklet produced by the Union as a handbook for the guidance of its representatives. The passage included items under these headings: "Political Punch"; "The Parliamentary Committee"; "Labour Party Affiliation"; "Parliamentary Candidates"; and "Political Levy";

- (vi) an extract, a copy of which he produced, from the minutes of the meeting of the National Executive Council in July 1982, containing an item numbered 2518, which was headed: "General Secretary's Report—Economic Situation". The second paragraph of this item informed the Council that a joint TUC/Labour Party document was to be launched at a press conference.

136. Mr Parkin was not able to point to any particular administrative expenses incurred on these specific activities, or on others, which had been paid from the general fund, and which, in his view, should have been paid from the political fund. He said that it was not possible to itemise all the costs to which he was referring. His argument was that a proportion of the total administrative costs of running the union each year was incurred on political activities such as those he had mentioned and should be charged to the political fund. He said that the proportion should in his opinion be somewhere between 1 per cent and 5 per cent of the total, but that the only fair way of allocating the costs and deciding on the proportion would be for an independent accountant to look at the accounts and make a recommendation. He and his witness, Mr Edward Barnett, said that the annual returns of other trade unions showed that some of them made a payment from their political fund in respect of administrative costs. Mr Parkin mentioned the Transport and General Workers Union in this context and Mr Barnett talked particularly about the Union of Shop, Distributive and Allied Workers.

137. The complaint that emerged at the hearing was therefore that the Union was acting in breach of rule 36(b) in paying these administrative expenses out of the general rather than the political fund.

The Union's Reply

138. Replying for the Union about the specific meetings and documents mentioned by Mr Parkin, Mrs Turner stressed that all the expenses for all meetings of the Union's delegates to Labour Party Conferences are met from the political fund, whether those meetings are special meetings called by the Union or meetings of the Labour Party Conference itself. These expenses include the travelling and overnight expenses of delegates attending the meetings. The costs of the meeting of the "Trade Unions for a Labour Victory" group of trade unions which was held at the Union's College at Bishops Stortford were paid for, she said, by that group and not by the Union.

139. Mrs Turner was not able to say whether the cost of the circular letter sent out by Mr Brandon had been met from the political fund of the division. It was not a head office document and she had been unaware of its existence until the hearing. She had not investigated the financing of the document because she had been given no notice that it was to be relied upon.

140. Mrs Turner did not deny that the Union's annual report, the handbook for the guidance of its representatives, and the minutes of the National Executive Council had been paid for out of the general fund, but she argued that rule 36(b) did not require the Union to pay the costs of those publications from the

political fund. She pointed out that the report of the Labour Party Conference in the annual report, the passage in the handbook and the item from the minutes of the National Executive Council, to which Mr Parkin had referred, were extracts from much longer documents.

141. As regards general administrative expenses Mrs Turner explained that the Union does not apportion the cost of staff or officers' time or the cost of producing its normal publications between the general and the political funds. She submitted that this is not required by rule 36(b).

Decision

142. Although Mr Parkin did not point to any particular payments from the general fund, his allegation was that money must have been spent from that fund on the expenses which he was complaining about. The Union did not contest that payments on administrative expenses such as salaries and office expenses are made from the general fund.

143. Rule 36(b) requires payments to be made out of the political fund only if they are payments in furtherance of the political objects listed in rule 36(a). The payment from the general fund of the expenses which are the subject of this complaint would therefore not be a breach of rule 36(b) unless those expenses were payments in furtherance of one or more of the listed political objects. Accordingly, I must consider first whether any or all the expenses were direct expenditure on the political objects and second, if not, whether they amounted to indirect expenditure on the political objects in such a way as to constitute payments in furtherance of those objects.

Direct expenditure

144. This is clearly not a complaint about direct spending on the first four objects listed in rule 36(a), which cover expenditure on, in broad terms, election expenses, election meetings, election literature, the maintenance of Members of Parliament and the selection of candidates. However, payments on the organising of meetings and payments on documents with a political content were among the items of expense mentioned by Mr Parkin. These could have amounted to direct spending on the fifth object (rule 36(a)(v)) if they were expenditure on the holding of meetings or the distribution of documents, and if the meetings or documents were political and if the main purpose of the meetings or the distribution was not the furtherance of statutory objects.

145. I cannot accept that the normal running costs of the Union, such as staff salaries and office expenses, amount to direct expenditure on the holding of meetings or the distribution of documents within the meaning of rule 36(a)(v). In my view, there could only be direct spending on that object if expenditure additional to the normal running costs of the Union was incurred on such meetings or documents. This can only be assessed by looking at specific meetings or specific documents, and it was for this reason that Mr Parkin was asked before the hearing to specify the meetings to which he was referring. I shall now consider the meetings and documents to which he referred at the hearing.

146. The only meetings which Mr Parkin specifically mentioned were the meetings of the Union's delegation to the Labour Party Conference and the meetings of the "Trade Unions for a Labour Victory" group. Additional expenditure, such as delegates' travel and overnight expenses, was incurred on the meetings of the Labour Party Conference delegation, but I accept Mrs Turner's evidence that this expenditure was paid out of the political and not the general fund. There is no evidence that any additional expenditure was incurred by the Union on the meetings of the "Trade Unions for a Labour Victory" group. On the contrary, it appears that the Union was paid by that group for the use of its College. There is therefore no evidence that there was any additional expenditure from the general fund on any of the meetings to which Mr Parkin referred.

147. It is possible that there was some expenditure, in addition to the Union's normal running costs, on the distribution of the documents to which Mr Parkin referred. However, I feel that I must exclude the circular letter written by Mr Brandon from this complaint because Mrs Turner was not given a proper opportunity to look into its findings. The other documents referred to were extracts from much longer documents—the Union's annual report, the handbook and the minutes—which were produced and distributed as part of the Union's normal industrial activities. It follows that, whether or not the extracts were "political", the main purpose of the distribution of the documents in which they appeared was the furtherance of statutory objects. Any additional expenditure on them was not, therefore, expenditure on the object in rule 36(a)(v), even if it amounted to expenditure on distribution.

148. For all these reasons, my conclusion is that there is no evidence that there were any payments from the general fund on the items mentioned by Mr Parkin which were direct expenditure on any of the political objects in rule 36(a).

Indirect expenditure

149. I therefore turn to consider whether some of the normal running costs of the Union were indirect expenditure on the political objects. This is, in effect, Mr Parkin's contention. If I have understood him correctly, his argument is that, just as the Union incurs expenses in carrying out its normal industrial activities, so it incurs expenses in carrying out its political activities. Put another way, it is necessary to spend money internally in order to make payments on the political objects from the political fund. These are Mr Parkin's "administrative expenses".

150. As far as I have been able to ascertain from the decisions of my predecessors only two forms of indirect expenditure have been viewed as payments in the furtherance of political objects since the Act was passed in 1913. In Forster and the National Amalgamated Union of Shop Assistants, Warehousemen and Clerks, reported in part 4 of the Chief Registrar of Friendly Societies' Annual Report for 1925, the view of the Chief Registrar seems to have been that payments on the political objects through intermediaries are payments in the furtherance of the political objects unless the union is

unaware that the intermediary is likely to make a payment on those objects. In *Richards and the National Union of Mineworkers*, 1981 IRLR 247, at paragraph 82, one of my predecessor's grounds for upholding the complaint about the contribution towards the purchase of the Walworth Road property was that there is a payment in furtherance of the political objects where a payment is made upon something—like the headquarters of a political party—which will be used in carrying on the activities mentioned in the political objects. The internal administrative expenses with which I am concerned fall within neither of these forms of indirect expenditure and, accordingly, if I am to uphold Mr Parkin's complaint I can only do so on the basis that there is another, hitherto undiscovered, form of indirect expenditure which amounts to a payment in furtherance of the political objects.

151. One indication that internal administrative expenses should not be held to be expenditure in furtherance of the political objects is the line of cases, starting with *Forster's case* and including Mr Parkin's case against the Union heard by Mr Justice Woolf in the High Court, reported in 1980 ICR 662, in which the political objects have been strictly construed. Indeed, although the point has not directly arisen before, I have not found any support in any previous decision in this area for the suggestion that administrative expenses of the sort with which I am concerned should be paid for out of the political fund. Nor have I found any academic support for the suggestion.

152. Of particular interest is a passage from the decision of the Certification Officer in *McCarthy and Association of Professional, Executive, Clerical and Computer Staff (APEX)*, 1980 IRLR 335. When considering the meaning of the term "distribution" (of literature or documents)—which appears in this Union's rule 36(a)(ii) and 36(a)(v)—my predecessor said at paragraph 34 that it could be argued:—

"that since distribution is impossible unless the matter distributed has first been written, prepared and printed, "distribution" should be taken to include those costs which are essential in order to distribute as well as the costs of actual circulation. Further, it may seem strange that Parliament should not have covered all the expenditure necessary to produce as well as to circulate literature or documents. However, the fact remains that the 1913 Act and the Union's rules refer simply to expenditure on distribution and if the intention had been to include preparation costs it would have been a simple matter to do so in specific terms. I therefore conclude that it is only expenditure on actual distribution (eg. postal and packaging costs) which is covered."

That decision is, so far as it goes, a direct precedent because the costs of writing, preparing and printing literature are among the administrative expenses about which Mr Parkin is complaining. In *McCarthy* such expenses were held to be outside the term "distribution" even though they were essential in order to distribute, and there was no suggestion that they fell within the political objects in any other, more indirect, way.

153. There is also a precedent relating to the payment of a union official's salary. In *McCarthy and the National Association of Theatrical and Kine Employees*, reported in part 4 of the Chief Registrar of Friendly Societies' Annual Report for 1957, it was claimed that the salary of the general secretary of a union should have been paid out of the union's political fund because the general secretary in question was a Member of Parliament. The main question in the case was whether the salary amounted to maintenance of a Member of Parliament. The Chief Registrar of Friendly Societies held that it did not but in the context of this complaint it is notable that neither he nor the complainant suggested that any portion of that salary should have been paid from the political fund as relating to the general secretary's duties in connection with the trade union's political activities.

154. However, my main reason for coming to the conclusion that these expenses are not payments in furtherance of the political objects is the existence of the list of political objects in section 3 of the Act and in rule 36(a). In my view there would have been little purpose in the use of such a detailed list if the intention was that the words "in furtherance" should be interpreted so as to ensure that all payments of whatever nature in respect of the Union's political activities should be made from the political fund or so as to ensure that a proportion of the Union's overall administrative expenses should be paid from that fund as representing the broad proportion of the Union's energies which are spent on political matters. I bear in mind that the 1913 Act allows unions, where their normal rules permit them to do so, to engage in political activities and to do so by means of expenditure from their general funds unless the expenditure is on one or more of the listed political objects.

155. It seems to me from a detailed consideration of the objects in rule 36(a) that payments which are part of the normal running costs of the Union are not the sort of payments which the rule, and the Act before it, requires to be made from the political fund. The payments which must come from the political fund are, broadly speaking, payments which are made by the Union upon something external to the Union, such as payments on the expenses of a parliamentary candidate or on the holding of a party political meeting. They are not those payments which are made so that the Union can function and engage in its activities as a union, even though some of those activities may be and are political activities in the widest sense of the term—and even though some of those payments may be preparatory, ancillary or incidental to the payments which must be made from the political fund. Indeed, they may be necessary before payments can be made from that fund. In other words I do not think that the Act requires—and it is clear that it has never been interpreted as requiring—unions to pay a proportion of their running costs from the political fund, such as salaries, office equipment costs and establishment costs.

156. I draw support for my view that unions are not required to apportion expenses in this way from rule 36(a)(v) itself. This says in effect that all the expenditure on the holding of a political meeting or the distribution of political literature must come from the political fund unless the "main" purpose of the

meeting or distribution is the furtherance of statutory objects. It follows that that is the main purpose, all the expenditure may be charged to the general fund. There is no provision for apportionment in an area where such a provision might naturally have appeared had that been Parliament's intention.

157. Further, I have noted that Mr Parkin could not identify the proportion of the total administrative costs of the Union which, on his argument, would have to be charged to its political fund. He suggested that it should be "somewhere between" one per cent and five per cent. His hope was that an accountant would be able to decide the proportion. For myself, I do not see how an accountant would be able to decide the proportion which Mr Parkin has in mind. If it were possible readily to distinguish between activity on the political objects and other activity, it might just be conceivable that the introduction of a complex time-card procedure for the Union's officials could allocate time, telephone calls, etc., but it is difficult to conceive any method of accurately allocating items such as rent, rates, heating and lighting. In practice, the accountant's proportion would be an approximation based on the experience of a previous period or on a forecast of the year ahead. Any proportion would be open to challenge by an aggrieved member; the Union could not guard against making a payment from the wrong fund. I cannot believe that such a state of affairs was intended by Parliament in 1913.

158. Finally, although Mr Parkin and Mr Barnett claimed that the annual returns of other trade unions show that some of them make a payment from their political funds in respect of administrative costs—Mr Parkin mentioned the Transport and General Workers' Union and Mr Barnett the Union of Shop, Distributive and Allied Workers—they were not able to explain which items of expenditure were included by those unions under that head. The most that I am able to conclude is therefore that a small number of other unions may pay certain unknown types of expenditure from their political fund which this Union pays out of its general fund. However, unions can and do make payments out of their political funds which their political fund rules do not require them to make from that fund. Accordingly, it does not follow from the payment of any administrative costs out of the political funds of other unions that this union is acting in breach of its political fund rules in not paying such costs from its political fund.

159. For these reasons I dismiss this complaint.

COMPLAINT 12

160. Mr Parkin's final complaint concerns a payment of £2,000 which appears in the Union's annual return for 1980 as a donation from the general fund to the "Leader of the Opposition's Office at Parliament". He alleged that this payment was a breach of rule 36(b) because it was a payment on the political object in rule 36(a)(iii). That object is the expenditure of money:—

"on the maintenance of any person who is a Member of Parliament or who holds a public office".

Mr Parkin's Case

161. Mr Parkin said that the Union had stated in correspondence that the donation was specifically for research, but he submitted that any money paid by the Union to the Leader of the Opposition, who is a Member of Parliament, from anywhere other than the political fund is a breach of the rule. Otherwise, it would be possible for a union to make payments to Members of Parliament from the general fund by suitably wording the letters going with the cheques so as to specify what the payments should be used for. He argued that once a person has received a payment there is no guarantee that he will use it only for the specified purpose.

The Union's Reply

162. Mrs Turner admitted that the £2,000 was paid from the general fund and explained that the Union had made the payment to the office account of Mr James Callaghan when he was Leader of the Opposition. She said that a group of unions wanted Mr Callaghan to have a rather more specialist knowledge of union and industrial questions and it was felt that it might be a good idea to establish research facilities for him.

163. The Union took legal advice at the time and was told the the matter of payments from the general fund to the office of the Leader of the Opposition was a "grey area". This advice was put down in writing later, in a letter of 19 October 1981 written by the Union's solicitors, Messrs, Robin, Thompson, and Partners, which Mrs Turner produced at the hearing. The letter was concerned with the general objects of the Union, which are set down in rule 3. However, it did not consider the political objects in rule 36(a) and in particular it did not consider the meaning of the word "maintenance" in rule 36(a)(iii) and I shall therefore make no further reference to it.

164. In correspondence before the hearing Mrs Turner stated that the donation was specifically for research and her argument at the hearing was that the payment was for research and was not on the "maintenance" of a Member of Parliament within the meaning of that term in rule 36(a)(iii). She said that in 1913 expenditure on maintenance meant and was intended to mean something very different from a donation of this kind. At that time very little money, if any, was available for Members of Parliament and, indeed, she thought that salaries were only paid to Members of Parliament from about 1911 or 1912.

Decision

165. It is not disputed that the £2,000 was paid from the general fund. The question I have to decide is whether the donation was a payment on the object in rule 36(a)(iii). This will turn on whether the payment was a payment "on the maintenance of any person who is a Member of Parliament" since the post of Leader of the Opposition is not a "public office" within the meaning of that term as defined in rule 36(a).

166. Mr Parkin's submission to the effect that any payment to a Member of Parliament is a payment on the political object in rule 36(a)(iii) runs counter to the approach of the Chief Registrar of Friendly Societies in a previous complaint under section 3(2) of the Act, where the capacity in which the Member of Parliament received the money was considered to be relevant. In McCarthy and National Association of Theatrical and Kine Employees, reported in part 4 of the Chief Registrar's report for 1957, a union's General Secretary, Sir Tom O'Brien, was a Member of Parliament and the complaint was that his salary as General Secretary should therefore have been paid out of the political fund as "maintenance". The Chief Registrar held that the salary was not maintenance and said:—

"After careful consideration I am of the opinion that the complaint is not well founded. I am not satisfied that the Association has expended money on the maintenance of Sir Tom O'Brien, whether in his capacity as a Member of Parliament or as a General Secretary. The money which the Association has paid him was salary paid for the purpose of obtaining his services. He has sold his services to the Association, which has paid the purchase price. I therefore hold that Sir Tom O'Brien has maintained himself out of his earnings as General Secretary and not out of the funds of the Association and his salary is rightly paid out of the general funds of the Association."

167. I agree with the Chief Registrar's decision and accordingly my view, contrary to Mr Parkin's submission, is that it is possible for a union to pay money to a Member of Parliament without the payment being a payment on the "maintenance" of that member. However, the reason why the salary paid to Sir Tom O'Brien was not maintenance was because it was a contractual payment made to obtain services which Sir Tom was required to supply as consideration. The payment to the Leader of the Opposition's office, with which I am concerned, was not a payment of this kind. It was a gift and not a contractual payment to Mr Callaghan to obtain his services.

168. In the absence of indications to the contrary I would assume that an unconditional gift to a Member of Parliament is expenditure on the "maintenance" of that member. This complaint, however, has been argued on the basis that the donation was specified as being for research, and the question that arises is whether in the light of that specification the donation was a payment on the "maintenance" of a person who is a Member of Parliament.

169. Mr Parkin asked me not to follow the ruling of Mr Justice Woolf in *Parkin and Association of Scientific, Technical and Managerial Staffs*, 1980 ICR 662. That decision (which I have already considered in dealing with the fifth of Mr Parkin's complaints to me)* is, as I see it, authority for the proposition that if a trade union gives money to a political party to be spent on a matter which falls outside the political objects, the donation may come from the general fund. Mr. Parkin was, I think, concerned that his complaint

could be dismissed because I would hold that, by extension, a donation to a Member of Parliament to be spent on a matter which falls outside the political objects could come from the general fund. However, even if that second proposition is a logical extension of Mr Justice Woolf's decision, it cannot of itself decide this complaint because in applying it the question that again arises is the question that I have already posed, that is, whether the donation that was to be spent on research was a payment on the "maintenance" of the person who is a Member of Parliament so as to fall within the political object in rule 36(a)(iii).

170. Whatever maintenance may mean in other contexts, I have to consider the narrow question of its meaning in a rule made under the 1913 Act. I do not think that the term "maintenance" in rule 36(a)(iii) covers or was intended to cover only personal expenditure such as expenditure on food, drink, housing and clothing. It seems to me that it also covers expenditure incurred in acting as a Member of Parliament or in performing the duties of a Member of Parliament, including expenditure which enables a Member of Parliament to engage in those activities or perform those duties more effectively. My view is that a contribution towards secretarial or research facilities for a Member of Parliament is expenditure of this kind and is therefore expenditure on the maintenance of that member within the meaning of the rule.

171. The £2,000 was not, of course, paid to Mr Callaghan for research specifically in his capacity as a Member of Parliament, but rather to his office account because he was Leader of the Opposition. However, I do not think that the object in rule 36(a)(iii) applies to a payment to a Member of Parliament only in his capacity as a constituency representative and not in his party political capacity, or only in his capacity as a backbencher and not his capacity as a frontbencher. That would be an artificial restriction of the scope of the rule and, indeed, an artificial division of the activities of a Member of Parliament. Accordingly, my view is that the payment to the office account of the Leader of the Opposition for research was a payment "on the maintenance of a person who is a Member of Parliament" and was therefore a payment on the political object in rule 36(a)(iii).

172. For these reasons I hold that the payment of £2,000 which was made from the Union's general fund was a breach of rule 36(b) and that Mr Parkin's complaint is justified.

Order

173. In my view an order for a transfer of money is appropriate to remedy the breach, and I therefore order the Union to transfer £2,000 from its political fund to its general fund.

*Paragraphs 67 to 71.

EXTRACTS FROM RULE 36,
THE POLITICAL FUND RULE OF
THE ASSOCIATION OF SCIENTIFIC,
TECHNICAL AND MANAGERIAL STAFFS
(AS AT THE DATE OF THIS HEARING)

36.

- (a) The objects of the Association of Scientific, Technical and Managerial Staffs shall include the furtherance of the political objects to which Section 3 of the Trade Union Act 1913 applies, that is to say the expenditure of money:
- (i) on the payment of any expenses incurred either directly or indirectly by a candidate or prospective candidate for election to Parliament or to any public office, before, during, or after the election in connection with his/her candidature or election; or
 - (ii) on the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate; or
 - (iii) on the maintenance of any person who is a Member of Parliament or who holds a public office; or
 - (iv) in connection with the registration of electors or the selection of a candidate for Parliament or any public office; or
 - (v) on the holding of political meetings of any kind or on the distribution of political literature or political documents of any kind, unless the main purpose of the meetings or of the distribution of literature or documents is the furtherance of statutory objects within the meaning of the Act, that is to say, the regulation of the relations between workmen and employers, or between workmen and workmen, or between employer and employer, or the imposing of restrictive conditions on the conduct of any trade or business and also the provision of benefits to members.

The expression "public office" in this rule means the office of member of any county, county borough, district, or parish council, or of any public body who have power to raise money, either directly or indirectly, by means of a rate.

- (b) Any payments in furtherance of such political objects shall be made out of a separate fund (hereinafter called 'the Political Fund'). No payment shall be made out of the Political Fund without the consent of the NEC and other than in furtherance of such political objects and subject to the policy of the Association for the time being in force. Such consent not to be withheld where a branch decides by a majority vote of its political levy paying members at a properly constituted branch meeting to make a grant (or grants), not exceeding 30% of its contributions to the Political Fund, to a branch or constituency Labour Party or to a district or county Labour Party, as under (c) below.

- (n) The contribution to the Political Fund of the Association shall be 25p every calendar month, payable on the first day of each month. The Executive Council shall give effect to the exemption of members to contribute to the Political Fund of the Association of Scientific, Technical and Managerial Staffs by making a separate levy of contributions to that Fund from the members of the Union who are not exempt. No monies of the Association of Scientific, Technical and Managerial Staffs other than the amount raised by such separate levy shall be carried to the Political Fund of the Association of Scientific, Technical and Managerial Staffs. The first levy shall not come into force until the expiration of one month from the publication of the notice to members under clause (d) hereof, nor shall any levy come into force as respects a new member until the expiration of one month from his being supplied with a copy of this rule under clause (m) hereof on admission to the Union.

CERTIFICATION OFFICE

RECEIPTS AND PAYMENTS ACCOUNT FOR THE YEAR ENDED 31 MARCH 1983

Previous Year	RECEIPTS	£	Previous Year	PAYMENTS	£
2,208	Statutory fees	2,483	120,773	Salaries, etc.	134,713
1,125	Miscellaneous receipts	2,436	20,849	Superannuation	25,593
168,405	Net cost transferred to main account	216,607	1,172	Travelling and incidental expenses	2,250
			2,852	Costs connected with legal proceedings etc.	—
			16,237	Rents, rates, maintenance and other premises costs	38,459
			9,855	General administrative expenses	20,511
<u>£171,738</u>		<u>£221,526</u>	<u>£171,738</u>		<u>£221,526</u>

Note:

The increase in the payments for General Administrative expenses compared with 1981/82 reflects a revised apportionment of certain expenses incurred by ACAS on behalf of the Certification Officer.