

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

**Annual Report  
of the Certification Officer  
1999 - 2000**

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

J W Hougham Esq CBE  
Chairman  
Advisory, Conciliation and Arbitration Service  
Brandon House  
180 Borough High Street  
London SE1 1LW

I am required by the Trade Union and Labour Relations (Consolidation) Act 1992 to submit to you both a report on my activities as Certification Officer. The amendments to the Act made in 1999 change the reporting period from a calendar year to a financial year. Therefore this report, which I have pleasure in submitting, covers the 15 months from 1 January 1999 to 31 March 2000.

E G WHYBREW  
*Certification Officer*  
12 April 2000



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# Introduction

This report deals with my activities during the period 1 January 1999 to 31 March 2000. It is the twenty fourth Annual Report to be published since the post of Certification Officer was established in 1975. My functions are contained in the Trade Union and Labour Relations (Consolidation) Act 1992 (as amended) (referred to in this report as "the 1992 Act" or "the Act").

During 1999 the 1992 Act was amended by the Employment Relations Act 1999 in a number of ways. Amongst them was the extension of the Certification Officer's powers to deal with a range of additional complaints that had previously been put to the courts. The commencement date for these new powers, which included the power to make an order to remedy any breach that I find to have occurred, was 25 October 1999. My responsibilities, which reflect my new powers include:

*under Part I, Chapter I* - for maintaining a list of trade unions, and for determining the independence of trade unions;

*under Part I, Chapter III* - for dealing with complaints by members that a trade union has failed to maintain an accurate register of members or failed to permit access to its accounting records; for seeing that trade unions keep proper accounting records, have their accounts properly audited and submit annual returns; for the investigation of the financial affairs of trade unions, and for ensuring that the statutory requirements concerning the actuarial examination of members' superannuation schemes are observed;

*under Part I, Chapter IV* - for dealing with complaints by members that a trade union has failed to comply with one or more of the provisions of the Act requiring a trade union to hold secret postal ballots for electing members of its executive committee, president and general secretary;

*under Part I, Chapter VI* - for ensuring observance by trade unions of the statutory



procedures governing the setting up, operation and review of political funds; and for dealing with complaints about breaches of political fund rules or about the conduct of political fund ballots, or the application of general funds for political objects;

*under Part I, Chapter VII* - for seeing that the statutory procedures for amalgamations, transfers of engagements and changes of name are complied with, and for dealing with complaints by members about the conduct of merger ballots;

*under Part I, Chapter VIIA* - for dealing with complaints by members that there has been a breach, or threatened breach of the rules of a trade union relating to, the appointment, election or removal of an office holder; disciplinary proceedings; ballots of members other than in respect of industrial action and the constitution or proceedings of an executive committee or decision making meeting;

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

These functions are discussed in the following chapters.

The Employment Relations Act 1999 also amended the 1992 Act to change the period covered by the Certification Officer's report from a calendar year to a financial year. As a consequence this report covers the period 1 January 1999 to 31 March 2000. In order to provide continuity wherever possible statistical information is provided both for the calendar year of 1999 and for the period 1 January to 31 March 2000. However a significant proportion of the statistical information used in my report is based on the annual returns submitted to me in respect of the financial affairs of trade unions and employers' associations. These returns, which the Act still requires to relate to a calendar year, are in respect of financial periods ending over twelve months ago. The report continues to use

the latest figures available and is thus broadly comparable to previous reports. The net effect of the change in the reporting period is to delay the publication of the information, derived from annual returns.

The 1992 Act was further amended by the Employment Relations Act 1999 to require me to make provisions about the disclosure and restriction of disclosure of the identity of a complainant. Prior to this amendment the 1992 Act provided that the identity of a complainant would only be revealed with the consent of the individual concerned. I am now required to disclose a complainant's identity to the union unless I think the circumstances are such that it should not be disclosed. To ensure openness, the presumption will be that a complainant's identity will be revealed and only in exceptional cases will anonymity be needed. Full details of the provisions about disclosure and restriction of disclosure can be obtained from my Office.

For the second year running the volume of work on complaints by trade union members remained at a high level with eighteen decisions being issued in the period ending 31 March 2000. As expected, the extension of my powers by the Employment Relations Act 1999 and the related abolition of the Office of the Commissioner for the Rights of Trade Union Members in October 1999 brought with it a significant increase in the number of enquiries to my Office by members with a grievance against their union. My powers are different from those which the Commissioner had and not every trade union member with a complaint is able to put it to me to determine. In many instances a considerable amount of time is taken up corresponding with the individual member to determine whether they have a case that falls within my jurisdiction. In order that my Office may decide whether a complaint is a matter for me an application form for the registration of a complaint has been produced together with explanatory notes. On this measure ten cases so far received fall within my new powers. There appear to be quite a lot more in the pipeline, particularly as the Act allows me to require applicants to take all reasonable steps to resolve the matter by the use of any internal complaints procedure of the union before I become involved. A new chapter in this report, Chapter 9, deals with this new jurisdiction, which given that each properly made complaint has to

be determined by me and I have to offer the parties an opportunity to be heard, could lead to a significant increase in the Office's workload.

There was a slight fall in the number of cases concerning the financial affairs of trade unions referred to me during the period of my report. In June 1999 I published the final report of the second set of inspectors appointed under my powers to investigate a trade union. During the period under review there was one successful prosecution of a trade union for failure to submit an annual return. Further prosecutions are underway or are being considered.

In July 1999, under The Public Interest Disclosure (Prescribed Persons) Order (SI 1999 No 1549), colloquially referred to as the Whistle Blowers' Charter, the Certification Officer was named a "prescribed person" for the purposes of section 43F of the Employment Rights Act 1996. The broad effect of the Order, taken with section 43F, is that a worker potentially protected by the provisions of the 1996 Act will be protected by that Act if they make a qualifying disclosure in good faith to a prescribed person. The matters covered by the Order relate to fraud, and other irregularities, relating to the financial affairs of trade unions and employers' associations.

Whilst the ballot refund scheme closed in March 1996 there remained, at the end of 1998, outstanding refund claims in respect of nine industrial action ballots where industrial action was continuing. In the period ending 31 March 2000 I approved payments amounting to £51,650 in respect of seven ballots. A payment of £51,576 was paid to the National Union of Teachers in respect of six ballots and the remaining £74 in respect of the other ballot being paid to the Broadcasting Entertainment Cinematograph and Theatre Union. All these payments were made in 1999. At the 31 March 2000 £652 remained outstanding in respect of two industrial action ballot refund applications submitted by two unions and where industrial action was ongoing. The scheme does not permit the refund of any costs until any industrial action arising from a ballot has ended.

The Advisory, Conciliation and Arbitration Service is responsible for providing me with the finance and support services necessary for the performance of my statutory duties but this in no way affects

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

Mr G S Osborne and Mr J L J Craig, WS, continued to hold their appointments as Assistant Certification Officer and Assistant Certification Officer for Scotland respectively. On 31 March 2000 there were eleven staff in post in the Certification Office. The development and training of staff to ensure that I am able to meet my statutory responsibilities is given a high priority and a range of developmental activities were undertaken during the year. The Office has adopted fully the principles of the Code of Practice on Access to Government Information.

Accounts relating to the activities of the Office, prepared under section 258 of the 1992 Act, are published separately by order of the House of Commons. In broad terms it is estimated that about 67% of the Office's resources were allocated to work connected with annual returns from trade unions and employers' associations, and the maintenance of the lists of trade unions and employers' associations; 15% to work arising from trade union mergers; 11% to work relating to complaints and trade union finances; and the remainder to other matters including independence and political funds.

The statutory fees to be paid for certain items of work undertaken by the Office are reviewed annually and any increase normally becomes effective from 1 April. During the period ending 31 March 2000 there was no increase in the fees.

The net cost of the Office for the year ended 31 March 1999 was £472,000. My salary as Certification Officer at 31 March 2000 was £35,802 for a two day week. This sum is pensionable at an additional cost to the public purse of £6,084 and it is taxed under PAYE.

Where it is necessary to hold a hearing to determine a complaint, the Certification Officer can make payment towards the expenses incurred by the complainant and a friend in attending the hearing.

During the period under review such payments amounted to £344.05. Assistance with legal costs is not available.

### **Advice and contacts for information**

The Office receives many enquiries and requests for guidance from trade unions, employers' associations and their members. Often we can help but there are constraints on the advice that can be given. It is for example inappropriate (unless the law requires it) to give guidance on, or prior approval to, a specific course of action in those areas where complaints can be made to me by an individual member. It would also be clearly inappropriate for my Office to comment on the merits of a possible complaint. Where a complaint is made, I have to investigate it and decide it completely impartially on the facts of the case and in the light of the representations made by the parties concerned. I and my staff have to avoid giving advice which might seem in any way to prejudice that impartiality. That said the Office is happy to assist where it can and guidance booklets covering different aspects of the Certification Officer's responsibilities are available free of charge. They are listed in Appendix 10 and requests for further information on any aspect of the Certification Officer's duties should be made to the Certification Office, Brandon House, 180 Borough High Street, London, SE1 1LW, tel: 020-7210-3734.

E G WHYBREW

# **Lists of Trade Unions and Employers' Associations**

*Any trade union or employers' association may apply to have its name included in the public lists maintained by the Certification Officer. This Chapter sets out the background to that process and gives the numbers on the lists at 31 March 2000 and the changes that have occurred during the fifteen month period. The lists are set out in full in Appendices 1 and 2.*

## **Entry in the lists and its significance**

- 1.1 The Certification Officer maintains a list of trade unions and a list of employers' associations in accordance with the provisions of sections 2-4 and sections 123-125 of the 1992 Act.
- 1.2 Listing is voluntary and any organisation of workers or of employers may apply to be listed. (See Appendix 9 for statutory fee). If the Certification Officer is satisfied that the organisation falls within the appropriate definition in the 1992 Act (reproduced in full at the end of this chapter) he must enter its name in the relevant list. Entry in the list is usually a simple process and means no more than that the body concerned satisfies the statutory definition. The Act does not impose any test of size or effectiveness.
- 1.3 Any organisation aggrieved by the refusal of the Certification Officer to enter its name in the relevant list may appeal to the Employment Appeal Tribunal.
- 1.4 For trade unions, listing is an essential preliminary to any application for a certificate of independence under section 6 of the 1992 Act. It is also one of the requirements for obtaining tax relief in respect of expenditure on provident benefits. There are no corresponding advantages for employers' associations. However, once a name is entered on to the relevant list it may not be used by another organisation.
- 1.5 The current lists are available for inspection free of charge at the Certification Office, Brandon House, 180 Borough High Street, London SE1 1LW. The lists for organisations

having their head office in Scotland are also available for inspection at the office of the Assistant Certification Officer for Scotland, 58 Frederick Street, Edinburgh EH2 1LN.

### **Removal from the lists**

- 1.6 If at any time it appears to the Certification Officer that an organisation whose name is entered on the relevant list is not a trade union or an employers' association he may, after giving the organisation concerned the opportunity to make representations, remove its name from that list. There is a right of appeal to the Employment Appeal Tribunal against removal of a name from a list. The Certification Officer must also remove the name of an organisation from the list if he is satisfied that it no longer exists or if the organisation requests that he should do so.
- 1.7 The table below gives the names of the trade unions and employers' associations and when they were removed from the list. \* Denotes those who ceased to exist as a result of mergers. The others were dissolved or deemed no longer to be trade unions or employers' associations.

### ***Trade Unions; England and Wales***

#### ***Removed in 1999***

- \*Banking Insurance and Finance Union
- \*Britannic Supervisory Union
- \*Cabin Crew 89
- \*Corporation of London Staff Association
- \*Lufthansa Staff Association United Kingdom
- \*NatWest Staff Association
- \*Nielsen Staff Association
- Royal Society of Chemistry Staff Association
- \*UNIFI
- \*Union of Royal and Sun Alliance Staff
- \*United Friendly Agents Association

***Removed in 2000***

\*National League of the Blind and Disabled

\*National Union of Insurance Workers

***Employers' Associations; England and Wales***

***Removed in 1999***

Bolton and District Textile Employers Association

London Association of Shore Gang Contractors

Natural Slate Quarries Association

***Employers' Associations; Scotland***

Hawick Knitwear Manufacturers Association

***Removed in 2000***

British Textile Fibres Association

National Master Tile Fixers Association

**The lists at 31 March 2000**

- 1.8 As required by sections 2 and 123 of the 1992 Act this report includes the lists as at 31 March 2000. They are reproduced as Appendices 1 and 2. The lists at 31 March 2000 comprised 221 trade unions and 101 employers' associations.

Changes during 1 January 1999 and 31 March 2000 are summarised in the table below:



	<i>On lists at 31 December 1998</i>	<i>Changes between 1 January 1999 and 31 March 2000</i>		<i>On lists 31 March 2000</i>
		<i>Additions</i>	<i>Removals</i>	
Trade Unions	224	10	13	221
Employers' Associations	106	0	6	100

The additions to the list of trade unions and employers' associations are shown at Appendix 1 and 2 in italics.

### **Special register bodies**

- 1.9 Under the Industrial Relations Act 1971 a special register was established which allowed organisations which were either registered companies or incorporated by charter or letters patent and which took part in collective bargaining on behalf of their members to be registered. These were usually professional bodies.
- 1.10 The Trade Union and Labour Relations Act 1974 resulted in trade unions no longer being allowed to have corporate status, although an exception was built into the legislation to preserve the position of those bodies which were already on the special register.
- 1.11 The statutory requirements affecting trade unions in the 1992 Act are adapted to take account of the corporate status of these bodies and their other activities. Special register bodies are also exempt from the requirement to conduct elections for the posts of president and general secretary; the voting members of the executive must, however, be elected in accordance with the statutory provisions.

The following special register bodies remain on the list of trade unions.

Association of Clinical Biochemists Limited  
British Association of Occupational Therapists Limited  
British Dental Association  
British Dietetic Association  
British Medical Association  
Chartered Society of Physiotherapy  
Educational Institute of Scotland  
Headmasters and Headmistresses Conference  
Royal College of Midwives  
Royal College of Nursing of the United Kingdom  
Society of Authors Limited  
Society of Chiropodists and Podiatrists  
Society of Radiographers

### **Unlisted organisations**

- 1.12 Because entry in the lists is voluntary it is difficult to say precisely how many trade unions and employers' associations are in existence at any given time. In addition to the numbers of listed organisations given in paragraph 1.8, at 31 March 2000 there were 22 trade unions and 100 employers' associations which had not sought to be listed. There may be others meeting the statutory definition of which the Office is unaware. Being unlisted does not limit an organisation's statutory responsibilities, and returns from unlisted bodies are available for inspection along with those of listed organisations. Those trade unions and employers' associations known to the Office but who have not applied to be included in the relevant lists are given at Appendices 1a and 2a respectively.
- 1.13 During the period 1 January 1999 to 31 March 2000 the Office approached 25 organisations which it was thought might be trade unions or employers' associations but of which it was previously unaware. In five cases, returns are now expected. In 12 cases, enquiries continue.

### **Definition of a trade union**

1.14 Section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992 reads as follows:

*'In this Act, a "trade union" means an organisation (whether temporary or permanent) -*

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

*(b) which consists wholly or mainly of -*

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

*(ii) representatives of such constituent or affiliated organisations,*

*and whose principal purposes include the regulation of relations between workers and employers or between workers and employers' associations, or the regulation of relations between its constituent or affiliated organisations.'*

### **Definition of an employers' association**

1.15 Section 122 of the Trade Union and Labour Relations (Consolidation) Act 1992 reads as follows:

*'In this Act, an "employers' association" means an organisation (whether temporary or permanent) -*

*(a) which consists wholly or mainly of employers or individual owners of undertakings of one or more descriptions and whose principal purposes include the regulation of*

*relations between employers of that description or those descriptions and workers or trade unions; or*

*(b) which consists wholly or mainly of -*

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

*(ii) representatives of such constituent or affiliated organisations,*

*and whose principal purposes include the regulation of relations between employers and workers or between employers and trade unions, or the regulation of relations between its constituent or affiliated organisations.*

*References in this Act to employers' associations include combinations of employers and employers' associations.'*

## Trade Union Independence

*A trade union which is on the list of trade unions may apply for a certificate of independence. Chapter 2 discusses independence and explains how such applications are dealt with and their outcome.*

### The statutory provisions

2.1 Section 5 of the 1992 Act defines an independent trade union as:

*"... a trade union which -*

- (a) is not under the domination or control of an employer or a group of employers or of one or more employers' associations; and*
- (b) is not liable to interference by an employer or any such group or association (arising out of the provision of financial or material support or by any other means whatsoever) tending towards such control".<sup>1</sup>*

2.2 The procedure for determining the independence of trade unions is laid down in section 6 of the 1992 Act. A union must be listed - see Chapter 1 - before it can apply for a certificate of independence. (See Appendix 9 for level of statutory fee). The fee is payable on application. The Certification Officer must keep a public record of all applications for such certificates and of all decisions reached. He may not take a decision on any application until at least one month after it has been entered in the record; notification is published in the London Gazette or Edinburgh Gazette as appropriate. He must take into account any relevant information submitted by third parties. He is required to give his reasons if he refuses a certificate of

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

independence and the union concerned has a right of appeal to the Employment Appeal Tribunal.

- 2.3 The Certification Officer may withdraw a certificate at any time if he is of the opinion that the trade union concerned is no longer independent. As in the case of a refusal, a trade union aggrieved by a decision to withdraw its certificate has a right of appeal to the Employment Appeal Tribunal.
- 2.4 Once the Certification Officer has determined that a trade union is independent and issued a certificate, that certificate remains valid until it is withdrawn by the Certification Officer or is cancelled. This applies to all certificates including those issued under legislation in force prior to consolidation into the 1992 Act. Duplicate certificates of independence are not issued.
- 2.5 Where a question as to the independence of a particular union arises in proceedings before the courts, employment tribunals, Central Arbitration Committee or certain other bodies, and no certificate has been issued or refused, the Act provides that the proceedings may not continue further until that question has been decided by the Certification Officer.

## **Criteria**

- 2.6 The principal criteria used by the Certification Officer in determining whether or not an applicant union, satisfies the statutory definition are explained in the Office's booklet *Guidance for trade unions wishing to apply for a certificate of independence* under the following headings: History, Membership Base, Organisation and Structure, Finance, Employer-provided Facilities and Negotiating Record. Copies of the booklet are available on request from the Certification Office. The Certification Officer is required by statute to disregard certain criteria in respect of prison service unions. He reaches his decision on the basis of the criteria as a whole and in doing so he is strictly bound by the statutory definition. He is not empowered to take into account other considerations such as the effect the issue of a certificate might have on industrial relations.

## **Applications and Reviews**

- 2.7 In the fifteen-month period of the report (from 1 January 1999 to 31 March 2000) three applications for certificates of independence were received. The applications were from the Prison Staff Association, UNIFI and the Leek United Building Society Staff Association.
- 2.8 Concerns were raised during 1999 about the independence of two trade unions, the British Dental Association and the Britannia Staff Union. Following enquiries with the unions concerned, both unions' independent status was confirmed without the requirement of a formal review.

## **Decisions**

- 2.9 During the fifteen month period three certificates of independence were issued. They were for UNIFI (certificate issued 13 July 1999) - a new union formed in 1999 following an amalgamation where each of the three unions involved had held a certificate of independence prior to the date of the merger; the Prison Staff Association (certificate issued 17 September 1999); and the Leek United Building Society Staff Association (certificate issued 1 February 2000).
- 2.10 Eight certificates were cancelled in 1999 because the unions concerned had ceased to exist. While a further three were cancelled, for the same reason, in the three months from 1 January 2000 to the 31 March 2000. Mergers accounted for ten of these cancellations. Details are given in Appendix 3.

## Annual Returns and Access to Accounting Records

*The requirements for trade unions and employers' associations to keep proper accounting records and to submit annual returns to the Certification Officer are set out in this Chapter. It also deals with the provisions relating to the investigation of the financial affairs of trade unions and employers' associations and with new provisions relating to jurisdiction in respect of access to accounting records.*

### The statutory provisions

- 3.1 Sections 28 and 131 of the 1992 Act provide respectively that every trade union and every employers' association (except those which consist wholly or mainly of representatives of constituent or affiliated organisations) must keep proper accounting records in respect of its transactions, assets and liabilities. It must establish and maintain a satisfactory system of control of its accounting records, its cash holdings and all its receipts and remittances. The accounting records kept must be such as are necessary to give a true and fair view of the state of affairs of the organisation and to explain its transactions.
- 3.2 Under sections 32 and 131 of the Act such an organisation (unless it has been in existence for less than 12 months) is also required to submit an annual return to the Certification Officer in the form prescribed. The return is to include revenue and other accounts and a balance sheet, which must give a true and fair view of the matters to which they relate. Any changes in the organisation's officers or in the address of its head office, must be shown on the return and it must be accompanied by a copy of the rules in force at the end of the period covered by the return. All funds maintained for trade union and employers' association purposes must be included in the return made to the Certification Officer.
- 3.3 Organisations which consist wholly or mainly of constituent or affiliated organisations or representatives of such organisations, are referred to within the Act as "Federated" trade unions



or employers' associations and are described fully within sections 118 and 135 of the Act. Such organisations which consist wholly or mainly of representatives of constituent or affiliated organisations are exempted from several provisions of the Act, including the duty to supply a copy of the rules; duty to keep accounting records and to submit annual returns. There are three trade unions that come into this category; they are indicated in appendices 1 and 1a).

- 3.4 It is not for the Certification Officer to decide whether an organisation is viable but it is his responsibility to ensure that clear accounts covering all funds administered by the organisation are available for public inspection.
- 3.5 The Act requires trade unions and employers' associations to submit before 1 June each year a return of its financial affairs covering the year ending the preceding 31 December. However, the Certification Officer may direct that the return is to relate to a different annual period, and this is usually done if the normal timetable would cause serious inconvenience to the organisation concerned.
- 3.6 The annual return must include a copy of the auditor's report on the accounts. Under section 34 of the Act a person is qualified to act as auditor to a trade union or employers' association if he is eligible for appointment as a company auditor under section 25 of the Companies Act 1989. Section 37 of the 1992 Act sets out the rights of auditors including access to information and the entitlement to attend and speak at general meetings of the organisation.
- 3.7 A trade union (other than a special register body as described in Chapter 1 of this Report, paras 1.9 - 1.11) or an employers' association may use auditors who are not eligible for appointment under the Companies Act 1989 provided its receipts and payments do not in aggregate exceed £5,000, the value of its assets is less than £5,000 and it has less than 500 members. If any of these conditions are not satisfied, it must use Companies Act auditors.
- 3.8 The auditor must state whether, in his opinion, the accounts give a true and fair view of the matters to which they relate. He has a duty to carry out such investigations as will enable him to form an opinion on whether proper accounting records have been kept, whether a

satisfactory system of control has been maintained and whether the accounts are in agreement with the accounting records. If in his opinion the statutory requirements have not been satisfied, or he fails to obtain all the necessary information and explanations, he must say so in his report, by way of qualification.

- 3.9 Of all the returns received by the Office in the year to 31 December 1999, 2.9% were qualified by the auditors. Most qualifications were of a minor, technical nature and appropriate action has been taken to ensure such qualifications are not required in the future. Two qualifications from trade union returns were of some concern. Both related to the unions' failure to keep proper accounting records. Having received assurance that a proper accounting system would be in place, the Certification Officer took no further action on either trade union. The Certification Officer received an unaudited annual return from an employers' association. This was because the auditor had been instructed, in his role, to prepare the accounts. This omission of an auditor's report was drawn to the attention of the employers' association and the annual return was returned and duly audited. There is a category of audit qualification which relates to returns not complying with the statement of standard accounting practice which requires pension costs to be accounted for on an accruals basis. However, as full details showing what effect compliance would have had on the accounts were given in the notes to those accounts and, as in previous years, these qualifications had been fully reviewed by the Office, the Certification Officer took no further action in the case of these three qualified returns. The Certification Officer also received a qualified audit report from an employers' association in relation to the non-compliance with the Statement of Standard Accounting Practice 19 which requires investment property to be included at open market value. The Certification Officer has sought to obtain assurances that appropriate action will be taken to ensure such qualifications are not placed on future returns.
- 3.10 Provided the period covered is the same and there is no significant diminution in the degree of disclosure, a special register body (see Chapter 1 of this report, paras 1.9 to 1.11) or an employers' association incorporated under the Companies Acts may submit with its return, in lieu of the prescribed accounts, a copy of its accounts prepared under the Companies Acts and so avoid the duplication of broadly similar financial statements. In such circumstances,

however, and notwithstanding anything in the Companies Acts, an auditor's report is still required to be made and this report must comply with the requirements of the 1992 Act.

- 3.11 With the exceptions already noted, the duties imposed by sections 28, 32 and 131 of the Act apply to all trade unions and employers' associations, whether listed under sections 2 or 123 or not. Refusal or wilful neglect to perform any of them is an offence for which the organisation concerned may be prosecuted and fined. The Certification Officer is responsible for enforcing these provisions, but does not generally undertake prosecutions for offences such as theft or fraud which would normally be dealt with by other prosecuting authorities. However, the Certification Officer is able to appoint inspectors to investigate allegations of financial irregularities in the affairs of a trade union or employers' association. (See 3.17 to 3.26 below).

#### **Late submission of returns**

- 3.12 The 1992 Act requires an organisation to submit an annual return to the Certification Officer within five months of the year end. In the twelve-month period ( 1 January 1998 to 31 December 1998) approximately 14% of returns were submitted more than two months late; however, by the end of the calendar year 98% had been received. The annual returns due by June 1999 for the following trade unions and employers' associations were still outstanding at 31 March 2000.

#### ***Trade unions***

Association of Plastic Operatives and Engineers

National Association of Colliery Overmen, Deputies and Shotfirers

National Association of Colliery Overmen, Deputies and Shotfirers (Northumberland Area)

#### ***Employers' Associations***

Association of Circus Proprietors

Scottish Pre-Cast Concrete Manufacturers Association

This Office continues to seek full compliance with the statutory requirements, and will take steps to improve the performance of those organisations who consistently submit late annual returns. The returns received from trade unions covered 99.9 % of all trade union members.

### **Prosecution**

- 3.13 Early in 2000, legal action commenced against the Association of Plastic Operatives and Engineers for failing to submit an annual return of its financial affairs as required by section 32 of the 1992 Act.

### **Statement to members**

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

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

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

- 3.15 The Act is specific about how this must be done; the exact wording of the statement is reproduced below. It should be noted that the statement has been amended to omit any reference to the Office of the Commissioner of the Rights of Trade Union Members as this post

has been abolished. The Certification Officer drew this to the attention of all trade unions in October 1999.

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

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

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

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

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

- 3.17 The Trade Union and Labour Relations (Consolidation) Act 1992 (as amended) allows the Certification Officer to investigate the financial affairs of virtually every trade union and employers' association. Under the Act, the Certification Officer may, if he thinks there is good reason to do so, give a direction to the organisation concerned to produce relevant documents and explanations of them; in addition, he may appoint inspectors to investigate the organisation's financial affairs and to report on them. He may only appoint inspectors if one or

more of the following circumstances are suggested: *that the financial affairs of the trade union or employers' association have been or are being conducted fraudulently or unlawfully; that those managing those affairs have been guilty of fraud, misfeasance or other misconduct in connection with that management; that the organisation concerned has failed to comply with a duty under the Act relating to its financial affairs or that a rule of the organisation relating to its financial affairs has not been complied with.* A member may complain to the Certification Officer that there are circumstances suggesting any of the foregoing. The Certification Officer must then consider whether it is appropriate to exercise any of the powers conferred on him by the Act in that respect.

- 3.18 Information suggesting circumstances where one or more of the situations described in paragraph 3.17 have occurred may come to the Certification Officer's attention from a variety of sources including, for example, as a result of a member querying information supplied by the union in its statement to members, or from other approaches by members. In addition the Certification Officer's staff watch for references in the media to situations which suggest that such circumstances may exist in the financial affairs of a trade union or employers' association.
- 3.19 In the period 1 January 1999 to 31 March 2000 concerns were raised about particular aspects of the conduct of the financial affairs of five trade unions. These were taken up with the relevant organizations. The unions involved were the GMB, Prison Staff Association, Manufacturing Science and Finance Union, National Union of Knitwear Footwear and Apparel Trades and the Professional Association of Teachers. In addition work was concluded on three cases carried over from the previous year.
- 3.20 In the case of the Leicestershire Overmen Deputies and Shotfirers Association (see para 3.23 of the 1998 report) the inspector's final report was published on 30 June 1999. The report concluded that the union's failure to submit its annual returns to the Certification Officer on time were as a result of poor organisation, the priorities of the General Secretary and Executive during a period of industrial unrest and the absence of qualified accounting personnel.

- 3.21 The Certification Officer accepted the report's findings commenting that, the essence of the report's findings was that, while controls over the Association's expenditure were ill defined and informal, the investigation had concluded that the funds of the Association had been properly spent in the period under review and that no further action was required other than to ensure that the Association's assets continue to be properly accounted for.
- 3.22 Copies of the inspector's report, including the Certification Officer's response of 30 June 1999, are available from the Certification Office free of charge.
- 3.23 During 1999 the Certification Officer used his powers under section 37A of the 1992 Act (as amended) to require documents to be produced by the Manufacturing Science and Finance Union. The union readily complied with the Certification Officer's direction to produce documents and/or explanations of them and fully cooperated with his enquiries.
- 3.24 Not all references received were of merit or warranted any approach to the body concerned, where it did, generally these matters were resolved either through correspondence between the Office and the parties concerned or by means of informal meetings with the body or the individual or a combination of these methods. In all cases the unions, and others, have been open and wholly cooperative with Certification Office staff.
- 3.25 At the 31 March 2000 there were no cases outstanding.
- 3.26 Where the Certification Officer concludes his enquiries into a financial investigation by issuing a findings letter to the organisation concerned, a copy of that letter is placed on the public file containing the annual returns of that organisation.

### **Public inspection of annual returns**

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

public inspection (with notification of one week) are the annual returns, accounts, copies of rules and other documents submitted for the purposes of:

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

### **Access to Accounting Records**

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

3.29 On application to him, the Certification Officer is required to make such enquiries as he thinks fit and give the applicant and the trade union an opportunity to be heard. On receipt of an application the Certification Officer, so far as reasonably practicable, will determine it within six months of it being made.

3.30 If the Certification Officer is satisfied that the claim is well-founded he is required to make an order as he considers appropriate for ensuring that the applicant:-

- is allowed to inspect the records requested
- is allowed to be accompanied by an accountant when making the inspection of those records, and



- is allowed to take, or is supplied with, such copies of, or of extracts from, the records he may require.
- 3.31 An order made by the Certification Officer under this section may be enforced in the same way as an order of the court.
- 3.32 Since the commencement date (25 October 1999) for the provisions of the Employment Relations Act 1999 relating to the powers of the Certification Officer to handle complaints within Section 30 of the 1992 Act, no such complaints had been received by 31 March 2000.

## Financial and Membership Information and Membership Register

*This Chapter identifies changes in both trade union membership and expenditure and employers' association income and expenditure between 1997 and 1998. It also details jurisdiction for the Certification Officer to determine complaints about the maintenance of trade unions' membership registers.*

### Returns for 1998

4.1 Financial information derived from the annual returns of trade unions and employers' associations is given at Appendices 4, 4(a), 5 and 8. *That information and the following comments in this Chapter relate to the year 1998.* This is because the Office's information is derived from the annual returns (which include audited accounts) for calendar year 1998 which were submitted during 1999, part of the period covered by this report.

4.2 The total of 441 organisations which submitted returns for 1998 was made up as follows:

220	Listed trade unions
18	Unlisted trade unions
106	Listed employers' associations
97	Unlisted employers' associations

There are presently three organisations not required to submit annual returns (Chapter 3 para 3.3 explains).

### Trade unions: numbers and membership

- 4.3 A summary of statistics concerning the membership and finances of trade unions for 1998 is given in Appendix 4. Details are shown for the 16 trade unions with more than 100,000 members. The column showing figures relating to the amount paid in benefits has been excluded this year. Chapter 4, para 4.3 of the 1998 Report explained that trade unions were interpreting benefits in different ways. The Office reviewed the analysis of benefits during 1999 and comprehensive guidance has now been provided to trade unions for their returns due in 2000. Details of benefits to members are likely to be shown in the Annual Report for 2000-2001.
- 4.4 *Comparability with 1997 figures.* The statistics in Appendix 4 are based on returns from 238 unions in 1998 compared with returns from 252 unions in 1997. All unions of substantial size are included in both sets of figures, which are therefore broadly comparable.
- 4.5 The trade unions from which returns were received had a total membership of 7,851,904. The major unions with a membership of over 100,000 accounted for 6,399,507 members or 81.5% of the total. A table of trade union membership by size of union at the end of 1998 is shown below.

***Trade unions: distribution by size***

Number of Members	Number of Unions (1)	Membership (2)	Number of Unions		Membership of all Unions	
			Per cent (3)	Cumulative Per cent (4)	Per cent (5)	Cumulative Per cent (6)
Under 100	39	1,395	16.39	16.39	0.02	0.02
100-499	52	12,911	21.85	38.24	0.16	0.18
500-999	26	17,810	10.92	49.16	0.23	0.41
1,000-2,499	31	54,507	13.03	62.18	0.69	1.10
2,500-4,999	23	83,051	9.66	71.85	1.06	2.16
5,000-9,999	14	103,729	5.88	77.73	1.32	3.48
10,000-14,999	5	69,990	2.10	79.83	0.89	4.37
15,000-24,999	7	123,362	2.94	82.77	1.57	5.94
25,000-49,999	19	631,361	7.98	90.76	8.04	13.99
50,000-99,999	6	354,281	2.52	93.28	4.51	18.50
100,000-249,999	6	941,281	2.52	95.80	11.99	30.49
250,000 and over	10	5,458,226	4.20	100	69.51	100
Total	238	7,851,904	100		100	

4.6 The returns show that in 1998 total trade union membership increased by approximately 0.6% from the previous year. This is the first increase in these figure since 1979. The total membership of 7.8 million compares with 10.4 million in 1988 and a peak of 13.2 million in 1979.

4.7 The following table shows changes of 10,000 or more in the total membership of individual unions between December 1997 and December 1998:

***Trade Union: Changes in Membership***

	<i>Total Membership (000's)</i>		
	<i>1997</i>	<i>1998</i>	<i>Change</i>
<b><i>Increases</i></b>			
Association of Teachers and Lecturers	153	168	15
Communication Workers Union	273	287	14

	<i>Total Membership (000's)</i>		
	<i>1997</i>	<i>1998</i>	<i>Change</i>
<b><i>Decreases</i></b>			
UNISON - The Public Service Union	1,300	1,272	-28

4.8 The annual return submitted by unions to the Certification Officer requires the union to provide figures of both total membership and of members who pay contributions. There can be significant differences between these sets of figures usually as a result of total membership figures including retired and unemployed members, members on long term sick and maternity/child care leave and those on career breaks. The returns submitted by unions for 1998 provided figures indicating that the total number of contributing members was around 6% less than the figure for total membership.

### **Membership register**

4.9 A trade union has a duty to maintain a register of the names and addresses of its members, and so far as reasonably practicable ensure that entries in the register are accurate and kept up-to-date. The 1992 Act provides that a trade union should allow any member on request, with reasonable notice, the right to receive information relating to them which is held on the register. Applications that a trade union has failed to comply with requirements of section 24 of the 1992 Act can be made to either the Certification Officer or the court. During the period 1 January 1999 to 31 March 2000 the Certification Officer dealt with two applications concerning the maintenance of the register of members' names and addresses. The application against the

Association of Teachers and Lecturers, was dismissed (Decision D/4-8/00) whilst enquiries in respect of the other complaint against the Communication Workers Union are continuing. Copies of decisions are available from the Certification Officer free of charge.

## Finance

4.10 Trade union income derives mainly from membership subscriptions and income from investments. There may also be additional income and/or assets arising if, for example, a

unions accept the transfer of engaging a gagem

<sup>1</sup>Separate figures for political funds are given at appendix 8.1

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<sup>1</sup>Separate figures for political funds are given at appendix 82

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<sup>1</sup>Separate figures for political funds are given at appendix 8.3



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<sup>1</sup>Separate figures for political funds are given at appendix 3.4

- 4.11 In 1998 gross income of trade unions was £738 million an increase of 1.89 % from 1997. Income from members rose by 2.02 % to £588.3 million while investment and other income rose by 1.37%.
- 4.12 Gross expenditure rose by 3.17 % to £703.7 million, while at the end of 1998 total funds (net assets) amounted to £811.5 million.

### **Salaries and benefits**

- 4.13 Trade unions are required to include in their annual return to the Certification Officer information about the salaries and benefits paid to certain of its national officers and executive members from the organisation's funds. For the purpose of the annual return benefits are a) those designated as "taxable" benefits by the Inland Revenue; b) pension/superannuation arrangements and c) redundancy and other termination payments. Information from the annual returns received from trade unions showed that 29% paid a salary to their general secretary of over £40,000; 19% paid between £20,000 and £40,000; 12% paid up to £20,000, while the general secretaries of the remaining 40% did not receive a salary (eight unions (3.4%), although paying no salary to their general secretary, do provide various benefits).
- 4.14 Appendix 4(a) gives information on the salary and benefit payments in respect of all unions who make a payment to their chief executive. It has come to the notice of the Office that, in a few trade unions, local or section officers are paid more than the Chief Executive but there is no requirement for these sums to be disclosed. Employer pension contributions make up a

significant, if not major, proportion of the benefits made. Employer's national insurance contributions are excluded from the table at Appendix 4(a).

### **Employers' associations**

- 4.15 A summary of statistics concerning the membership and finances of employers' associations for 1998 is given in Appendix 5. Details are given for each of the 34 associations (including unlisted associations) with total income of more than £2,000,000.
- 4.16 The statistics in Appendix 5 are based on returns from 203 employers' associations. This is fewer than in 1997 but the largest employers' associations, as measured by total income, are included in both sets of figures which are therefore broadly comparable.
- 4.17 In 1998 the gross income of employers' associations was £248.8 million compared with £235.7 million in 1997, an increase of 5.6%. Income from members rose from £99.4 million to £104.3 million. Income from investments rose from £12 million to £17.4 million. Other income rose by £2.8 million to £127.1 million. Gross expenditure increased from £222 million to £242 million (9%) over the figure for the previous year.
- 4.18 The figures given in the Appendix include both general funds and, where applicable, funds maintained for specific purposes. At the end of 1998 total funds (net assets) of employers' associations amounted to £206.9 million.
- 4.19 Employers' associations are not required to provide the Certification Officer with details of officers' salaries and benefits.

## Superannuation Schemes

*It is a legal requirement that any superannuation scheme maintained by a trade union or an employers' association covering members must be subject to periodic actuarial examination and that a copy of the actuary's report must be sent to the Certification Officer. An explanation of the statutory provisions is given in this Chapter together with information on the number of schemes maintained and the number of reports received.*

### The statutory provisions

- 5.1 Sections 38-42 and 131 of the 1992 Act require that any superannuation scheme maintained by a trade union or employers' association<sup>1</sup> covering members (as opposed to staff) must be examined periodically by a qualified actuary and a copy of each actuarial report sent to the Certification Officer. The actuarial examination is required to be made not later than five years after the effective date of the preceding examination, but the Certification Officer has power to direct that in any particular case the period of five years may be reduced to such shorter period as he may specify. The Certification Officer also has power to exempt a members' superannuation scheme from actuarial examination in certain circumstances. No trade union or employers' association may maintain a members' superannuation scheme unless it also maintains a separate fund for the payment of benefits in accordance with the scheme. A copy of the actuarial report made under the above provisions must be supplied free of charge to any member of the trade union or employers' association on application to the organisation concerned.
- 5.2 The statutory provisions require that the report by the actuary following his examination of any scheme shall state whether in his opinion the premium or contribution rates are adequate, whether the accounting or funding arrangements are suitable, and whether the separately maintained superannuation fund is adequate. The Office continues to ensure that these requirements are not overlooked.

### **Schemes maintained**

- 5.3 At the end of the period of this report there were 20 members' superannuation schemes maintained by 12 trade unions. They are listed in Appendix 6 and are mostly small schemes with only five having assets of over £250,000. The Amalgamated Engineering and Electrical Union and the National Union of Rail Maritime and Transport Workers are the only unions with a scheme covering more than 25,000 pensioners.
- 5.4 The Certification Officer may grant exemption from actuarial examination on the grounds that the scheme is only applicable to a small number of members or for any other special reasons; seven schemes are currently exempt.

### **Reports: Period 1 January 1999 to 31 March 2000**

- 5.5 Three reports were received during the period; from the National Union of Knitwear Footwear and Apparel Trades (NUKFAT) (report received 24 November 1999); the National Union of Flint Glass Workers (report received 4 January 2000) and the Manufacturing Science and Finance Union (report received 25 February 2000). The report for NUKFAT had been outstanding from 1998. One report remains outstanding having been due to be received in 1999. This is for the Graphical Paper and Media Union NGA (Manchester Graphical Society).
- 5.6 All reports received are sent to the Government Actuaries Department (GAD) for their specialist views on the acceptability of the valuation reports submitted. Both reports mentioned at para 5.6 of the 1998 Annual Report (those for the Manufacturing Science and Finance Union (Association of Pattern Makers) and the Amalgamated Engineering and Electrical Union) have now been cleared following correspondence, and in one case, discussions with representatives of the union concerned.

## Mergers

*Merger between trade unions and between unincorporated employers' associations must be carried out under the relevant statutory procedures; these procedures also allow for members to complain to the Certification Officer about particular aspects of the balloting process. This Chapter details the statutory background together with the number of merger applications and complaints received. It also shows changes of name registered during the period 1 January 1999 to 31 March 2000. Appendix 7 lists the mergers registered during the same period.*

### The statutory provisions

- 6.1 The 1992 Act and the Trade Unions and Employers' Associations (Amalgamations, etc.) Regulations 1975, as amended, lay down procedures governing two types of merger - *transfers of engagements* and *amalgamations* - between trade unions and between unincorporated employers' associations. The procedures apply to listed and unlisted organisations. Their main purposes are to facilitate the processes of transfer and amalgamation and, at the same time, to safeguard the rights of members affected by the terms of a merger by ensuring that they are fully informed about the proposal and have the opportunity to vote on it.
- 6.2 Under a *transfer of engagements* the transferring organisation loses its legal identity whilst the organisation to which it transfers continues in being with its legal identity unchanged. An *amalgamation* produces a new organisation replacing each of the amalgamating bodies, which cease to exist.
- 6.3 Organisations proposing to enter into a transfer of engagements or an amalgamation must prepare an instrument setting out the proposed terms of the merger and an explanatory notice to members. They must submit these documents to the Certification Officer and the documents must have his approval before a ballot of members can be held to approve the instrument. (See Appendix 9 for statutory fee).
- 6.4 Ballots must be fully postal and subject to independent scrutiny. The inclusion in the notice to members of any statement making a recommendation or expressing an opinion about a

proposed amalgamation or transfer is prohibited; also, the voting paper sent to a member may not be accompanied by any material other than the notice to members, an addressed, pre-paid envelope and a document giving instructions for the return of the ballot paper. Other requirements relate to the storage, distribution and counting of votes by independent persons and the availability of a union's membership register and the circumstances of its inspection by an independent scrutineer. For mergers involving employers' associations, the provisions are slightly different. Details can be found in the guidance booklet (see para 6.8 of this chapter).

- 6.5 In a transfer of engagements only the members of the transferring organisation vote on the resolution to approve the instrument. An amalgamation requires a favourable vote by the members of each amalgamating organisation. If the required majority of votes recorded in each ballot is in favour of the merger an application to register the instrument may be made to the Certification Officer. Such an application must be preceded by the despatch of a copy of the scrutineer's report to every member of the union or their being notified of its contents by other means. Members must also be told that they will, on request, be provided with a copy of the scrutineer's report - either free or subject to a reasonable specified charge. The Certification Officer has power to direct an organisation to publicise its application to register a merger.
- 6.6 In the case of both a transfer and an amalgamation an interval of six weeks must elapse between the application for registration and registration itself; and, before the expiry of the six-week period, any member of the transferring organisation or of any amalgamating organisation may complain to the Certification Officer on the grounds that one or more of the statutory conditions governing the ballot arrangements have not been observed. The Certification Officer may dismiss the complaint or, if after hearing both sides he finds the complaint justified, he may either make a declaration but no order, or make an order specifying the steps which must be taken before he will register the instrument. There is a right of appeal against the Certification Officer's decision to the Employment Appeal Tribunal (EAT) on a question of law.

- 6.7 Formal documents kept by the Certification Officer relating to mergers under the 1992 Act are available for public inspection. (See Appendix 9 for statutory fee).

### **Guidance**

- 6.8 The Office has produced two booklets, one on the statutory requirements for transfers of engagements and amalgamations between trade unions and the other for employers' associations. These explain the merger procedures in detail and set out, with explanatory notes, the matters to be included in an instrument of transfer or amalgamation. Copies may be obtained free of charge from the Office. The Office will offer guidance where needed on the statutory provisions and staff are always prepared to meet officials of organisations proposing to merge to discuss procedures and timetables.

### **Mergers during the period 1 January 1999 to 31 March 2000**

- 6.9 During the above period one amalgamation and nine transfers of engagements involving trade unions took place using the procedures laid down by the Act. Details are given in Appendix 7.
- 6.10 The ten mergers of trade unions which took place during the period 1 January to 31 March involved a total of 508,370 members. The largest merger registered during this period involving 486,829 members, was the amalgamation of the Banking Insurance and Finance Union, UNiFI and NatWest Staff Association. The amalgamation took effect on 11 May 1999. At the end of the fifteen month period seven transfers of engagements of trade unions were in progress.
- 6.11 During the period 1 January 1999 to 31 March 2000 the Certification Officer received no complaints relating to mergers under the 1992 Act.

### **Changes of name**

- 6.12 Section 107 of the 1992 Act stipulates that a change of name of a listed trade union or employers' association must be approved by the Certification Officer before it can take effect. (See Appendix 9 for statutory fee). During the period 1 January 1999 to 31 March 2000



approval was given to the changes of name of six trade unions and four employers' association as shown below.

<b>Trade Unions</b>		<i>Effective Date</i>
<i>From</i>	Whatman Reeve Angel Staff Association	
<i>To</i>	Whatman Staff Association	19.2.99
<i>From</i>	Boots Pharmacists Association (JBPA)	
<i>To</i>	Boots Pharmacists Association (BPA)	20.5.99
<i>From</i>	West Bromwich Building Society Staff Association	
<i>To</i>	Staff Union West Bromwich Building Society	8.7.99
<i>From</i>	Society of Telecom Executives	
<i>To</i>	Connect; The Union for Professionals in Communications	21.7.99
<i>From</i>	Caerphilly Independent Party and Trade Union	
<i>To</i>	Caerphilly Public Employees Union	5.11.99
<i>From</i>	Scottish Equitable Staff Association	
<i>To</i>	AEGIS; The Aegon UK Staff Association	16.12.99
<b>Employers' Associations</b>		
<i>From</i>	Engineering and Shipbuilding Employers Association - Yorkshire and Humberside	
<i>To</i>	EEF Yorkshire and Humberside	4.2.99
<i>From</i>	Representatives Northern and North Eastern Provincial Organisation of Employers of Local Authorities Staffs	
<i>To</i>	North East Regional Employers Organisation for Local Authorities	19.2.99
<i>From</i>	National Fillings Trades Association	

<i>To</i>	National Fillings Association	14.7.99
<i>From</i>	Engineering Employers East Midlands Association	
<i>To</i>	EEF East Midlands Association	29.9.99
<i>From</i>	East Midlands Local Authorities Employers Organisation	
<i>To</i>	East Midlands Regional Local Government Association	23.3.00

## Political Funds

*The 1992 Act enables trade unions and unincorporated employers' associations to establish separate funds in furtherance of political objectives as part of their aims. Under the terms of the Act a resolution to adopt the political objects must be passed by a ballot of the members. The Certification Officer is the statutory authority for approving the establishment and continuance of such funds. This Chapter explains the statutory provisions and reports developments in the period 1 January 1999 to 31 March 2000.*

### The statutory provisions

#### (a) General

- 7.1 A trade union or an unincorporated employers' association (whether listed or not) can include the furtherance of political objects among the objects of the organisation. In which case it must adopt political fund rules providing for the expenditure of funds on such objects. Those rules must be approved by the Certification Officer. A resolution to adopt political objects must be passed by the members in a postal ballot held under rules which again require approval by the Certification Officer. An independent scrutineer must be appointed to oversee the requirements of the ballot.

#### (b) Exemption from contributing

- 7.2 It is a statutory requirement that members who notify their objection to contributing to the political fund must be exempted. These exempt members must not be excluded from any benefits of the organisation or placed under any disability or disadvantage compared with other members (except in relation to the control or management of the political fund). Also, contribution to the political fund must not be made a condition for admission to the organisation.
- 7.3 Members wishing to claim exemption should use an approved application form as laid down in the Act or make an application giving the same information. Unless contributions to the political fund are collected by a separate levy, exempt members of the organisation must be relieved from the payment of the political fund element of the normal periodical contributions.

The rules must provide for such relief to be given as far as possible to all exempt members on the occasion of the same periodical contribution. They must also provide for each member to know what portion, if any, of his contribution is a contribution to the political fund.

(c) *Complaints*

- 7.4 Any member of an organisation with a political fund who considers that the political fund rules have been breached may complain to the Certification Officer. If, after investigating the complaint, the Certification Officer considers that a breach has occurred he may make an order for remedying it.
- 7.5 A member can complain to the Certification Officer if a political fund ballot has been held, or is proposed to be held, in a way that does not comply with the rules for holding the ballot. Any complaint must be made within the period of one year beginning with the day on which the result of the ballot is announced by the union.
- 7.6 The Employment Relations Act 1999 amended the 1992 Act in such a way as to provide that a trade union member who claims that his or her trade union has spent money on political objects without a political fund resolution being in force, or without approved political fund rules, may apply to the Certification Officer for a declaration that it has done so. If the Certification Officer makes a declaration he may also make such an order for remedying the breach as he thinks just under the circumstances. Appeals against a determination by the Certification Officer may be made to the Employment Appeal Tribunal but only on a question of law.

(d) *Review ballots*

- 7.7 Trade unions and employers' associations which already have a political fund resolution in force and wish to continue to spend money on political objects are required to pass a political fund resolution again by a further ballot of their members (a review ballot) at least once every ten years. The review ballot must be held in accordance with rules approved by the Certification Officer.

## **Guidance on procedures**

- 7.8 On request, the Office gives advice on the procedures for establishing political funds and for holding review ballots. Guidance booklets which include model rules are available from the Office free of charge. Any trade union or employers' association wishing to ballot its members on a political fund resolution should contact the Office at an early stage.

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

- 7.9 In December 1997, the Society of Radiographers balloted its members and the resolution to establish a political fund was approved. Draft political fund rules were received from the union but application for formal approval of the political fund rules has not been received. The Certification Officer remains in contact with representatives acting on behalf of the Society.

## **Organisations with new political fund rules approved for the first time during the period 1 January 1999 to 31 March 2000**

- 7.10 No trade unions had political fund rules approved during the period. The Public and Commercial Services Union (PCS) - formed in 1998 following the amalgamation of the Civil and Public Services Association and the Public Services Tax and Commerce Union - see Annual Report 1998 para 7.2- held a ballot during 1999 on a resolution to establish a new political fund. The Certification Officer was notified on the 7 April 1999 that the members of the PCS had voted against the resolution.

## **Amalgamations of unions already holding a political fund**

- 7.11 Where two or more trade unions, each with a political fund in force, amalgamate, the amalgamated union will be treated under the provisions of section 97 of the 1992 Act as having passed a political fund resolution, provided that the rules of the union in force immediately after the amalgamation include political fund rules. The review ballot cycle (see paragraph 7.7) of such a newly constituted union will count from the earliest of the political fund review dates of the amalgamating unions involved. During the period 1 January 1999 to 31 March 2000 there were no such amalgamations registered.

### **Political fund resolutions in force**

- 7.12 The number of political fund resolutions in force at 31 December 1999 was 38. While at 31 March 2000 there were 36. The trade unions concerned are indicated in Appendix 1 and 1a. During the period two unions held a review ballot as required by section 73(3) and (4) of the Act. The unions concerned and the percentage of those members who voted and who favoured retaining the political fund were:-

National Association of Schoolmasters and Union of Women Teachers (Ballot closed 18 June 1999)	81%
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Association of Her Majesty's Inspectors of Taxes (Ballot closed 23 July 1999)	80.1%
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- 7.13 As a result of a transfer of engagements to the Manufacturing Science and Finance Union, the political fund of the National Union of Insurance Workers lapsed on 1 January 2000. The political fund of the National League of the Blind and Disabled lapsed on the 9 February 2000 when it transferred its engagements to the Iron and Steel Trades Confederation.

### **Political funds of trade unions at 31 December 1998**

- 7.14 Detailed statistical information about the political funds of trade unions is derived from the unions' annual returns. The latest available information is given in Appendix 8 which is derived from returns made by trade unions maintaining political funds at the end of 1998.
- 7.15 Annual returns showed that the total income of political funds in 1998 remain almost unchanged compared with 1997 at £16 million (£16.04 in 1997, £16.02 in 1998), and expenditure £12.5 million as compared with £18.2 million. Total funds at the end of 1998 were £15.8 million compared with £13.1 million at the end of 1997.

### **Political fund membership**

- 7.16 Appendix 8 also gives membership information provided by the unions which maintained political funds at 31 December 1998 and shows comparable information for unions with political funds at 31 December 1997. Annual returns showed that in 1998 the number of union members contributing to a political fund was 4,618,587 compared with 4,740,514 in 1997.

### **Exemption notices**

- 7.17 Exemption notices (see paragraph 7.3) are obtainable from the organisation concerned or from the Certification Office. The Office supplied five such notices during the period 1 January 1999 to 31 March 2000 (all in 1999).

### **Amendments to rules**

- 7.18 Amendments to political fund rules require the Certification Officer's approval. Such approval is given provided that the amendments have been adopted in accordance with, and satisfy the requirements of, the 1992 Act. Eight trade unions had amendments approved in this way during the period 1 January 1999 to 31 March 2000. All were approved in 1999.
- 7.19 Unions have been told that the Certification Officer is unwilling to give approval to **any** amendments to political fund rules unless they already contain the current political objects, as given in section 72(1) of the 1992 Act, or the proposed amendments include an amendment to the political objects. Unions must also amend any references to the 1913 Act in the political fund rules. These changes are designed to ensure that members have ready access to the rules currently governing the use of political funds. There is now just one union who continues to refer to the 1913 Act and the Certification Officer is in touch with the union concerned.

### **Political fund complaints**

- 7.20 During the period 1 January 1999 to 31 March 2000 two complaints were made (on the 11 March 1999 and 28 March 2000) to the Certification Officer under section 82(2) of the 1992 Act by a member of the GMB and UNISON respectively concerning their union's political fund. The Certification Officer declined to make a declaration in respect of the complaint concerning the GMB in which it was alleged that the union was in breach of its political fund

rules in continuing to give funding to the Labour Party in breach of one of the core objectives of the union (Decision CO/1913/18 (Political Fund Rules)). At the 31 March 2000 my enquiries in the complaint against UNISON were continuing.

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



## Secret Postal Ballots for Trade Union Elections

*The 1992 Act requires that certain officers and all members of a trade union's executive committee must be elected to it by secret postal ballot; if they remain in that position for more than five years they must be re-elected. This chapter deals with the statutory provisions governing elections. As explained in chapter 9 the Certification Officer now has powers to deal with breaches of a union's own rules governing elections and certain other matters*

### The statutory provisions

- 8.1 Trade unions must ensure that no-one takes up a position as a member of the union's executive committee, president or general secretary, except in limited circumstances, without having been elected to it. Nor may anyone remain in such a position for more than five years without having been re-elected to it. There are exceptions in respect of amalgamations, newly formed unions and officers facing retirement. Elections are required to be by secret postal ballot of the members of the union, conducted in accordance with the relevant provisions in the 1992 Act.
- 8.2 Individual trade union members have the statutory right to apply to the Certification Officer, or to the court (but not to both in respect of the same complaint), for a declaration that their trade union has failed to comply with one or more of the relevant provisions of the Act. The Certification Officer must give reasons for his decision whether to grant a declaration or not in writing and such reasons may be accompanied by written observations on any matter arising from, or connected with, the proceedings.
- 8.3 The Employment Relations Act 1999, which received Royal Assent on the 27 July 1999, amended the 1992 Act by extending the Certification Officer's powers in a number of ways. The commencement order date of these new powers was the 25 October 1999. Since that date the 1992 Act now provides that where the Certification Officer makes a declaration he shall also, unless he considers that to do so would be inappropriate, make an enforcement order imposing on the union one or more of the following requirements -

- to hold the election in accordance with the order.
- to take such other steps to remedy the declared failure as the Certification Officer may specify in the order.
- to abstain from such acts as the Certification Officer specifies with a view to ensuring that a failure of the same, or similar kind, does not occur in the future.

8.4 The Act now also requires the Certification Officer to give applicants and the trade union concerned an opportunity to be heard before the Certification Officer determines an application and makes or refuses the declaration sought.

8.5 Where a hearing is held, in certain circumstances, expenses incurred by applicants attending the hearings can be reimbursed by the Office.

8.6 The Employment Relations Act 1999 amendment to the 1992 Act also provides that an appeal on any question of law arising in proceedings before or arising from a determination by the Certification Officer, may be made to the Employment Appeal Tribunal.

8.7 If the Certification Officer decides that there has been a breach of the statutory provisions he must state in his declaration any steps which the union has taken or has agreed to take to remedy the breach or prevent such a breach from occurring in the future.

8.8 The Certification Officer may not consider an application if the applicant has applied to the court in respect of the same matter. Similarly once an application has been made to the Certification Officer the same matter may not be put to the court even if the applicant withdraws his/her application to the Certification Officer. Where an application to the Certification Officer is made by a different person, the Certification Officer is required to have

due regard to any declaration, order, observations or reasons made or given by the court which are brought to the notice of the Certification Officer.

### **Applications, investigations and decisions**

8.9 The Certification Officer issued eighteen decisions during the period 1 January 1999 to 31 March 2000 (9 in 1999, 9 in 2000). At the close of the year applications against three unions remain outstanding.

8.10 Of the eighteen decisions issued in the period 1 January 1999 to 31 March 2000 the following are noteworthy:-

- Two applications were made by a member of the British Actors' Equity Association. The union conceded before the hearing of the first application that the post of President of the union was a position which should have been filled by an election complying with the requirements of the 1992 Act, and that the present incumbent had not been so elected. The first application was therefore upheld. The second application related to whether the Council of Equity or its Executive Committee was now the principle body within the union exercising executive functions. The application was that the Executive Committee had taken over this function and that the Committee members had not been elected to their positions in a ballot of all the members. This application was dismissed. (Decision D/1 - 2/99)
- In respect of applications from a member of the Public and Commercial Services Union arising out of the union's 1998 elections for its National Executive Committee, the Certification Officer upheld applications that the union had failed to ensure that having appointed an independent person to distribute the ballot papers it failed, contrary to the Act, to ensure that the person appointed duly carried out this function. The Certification Officer

further declared that in respect of its Presidential election the union, by requiring the independent person to include inserts with some ballot papers but not others, failed to ensure that the requirements of the Act on the independent person to minimise the risk of any unfairness or malpractice were respected. The Certification Officer declined to make declarations sought in respect of other matters put to him. (Decision D/4-5/99)

- In an application by a member of the Fire Brigade Union relating to an election for a regional seat on its executive, the application was dismissed when the application was withdrawn by the applicant. In his written observations the Certification Officer commented on the approach to his enquiries by both the union and the scrutineer of the election (Hard Dowdy -Chartered Accountants). The Certification Officer commented that to the best of his knowledge that this was the only case in 14 years where the scrutineer had failed to cooperate with his enquiries and that no response that he received from either the union or the scrutineer contained any assurance that the election was being conducted in accordance with the Act. The decision also commented on the anonymity of an applicant. (D/3/99)
- In applications by three members of the Musicians' Union in relation to the election of the General Secretary of the union in October 1999, the union conceded before the hearing, that Mr B Johnson (one of the applicants) had been unreasonably excluded from standing as a candidate in the election. The union also conceded a second application that the union had failed to take the required steps to notify the members of the name of the qualified independent person appointed, by the union, as scrutineer of the election. Both applications were therefore upheld and as two of the three applications made were applications after the Certification Officer had received additional powers under the Employment Relations Act 1999 (para 8.3), the Certification Officer issued

on the 27 March 2000 an enforcement order (the first such order issued), ordering the union to hold a fresh election for the post of General Secretary which must comply with the requirements of the Trade Union and Labour Relations (Consolidation) Act 1992, and to publish the result before the 1 January 2001. (Decision D/2-3/00)

- 8.11 One other decision issued (D/9/99), concerning an application against the Communication Workers Union, was dismissed on withdrawal of the application by the applicant.
- 8.12 Copies of all decisions are available free of charge from the Certification Office.

## Breach of Trade Union Rule Applications

*The 1992 Act now provides that a member of a trade union who claims that there has been a breach or threatened breach of the rules of a trade union relating to certain matters as set down in the Act, may apply to the Certification Officer for a declaration to that effect.*

### The statutory provisions

9.1 The Employment Relations Act 1999, which received Royal Assent on the 27 July 1999, amended the 1992 Act in a number of ways. Section 28 of the Employment Relations Act abolished the Office of the Commissioner for the Rights of Trade Union Members and Schedule 6 to that Act extended the Certification Officer's powers to deal with a range of additional complaints that had previously been presented to the court with assistance from the Commissioner. The commencement order date of these new powers was the 25 October 1999.

9.2 Since the 25 October 1999 a member of a trade union has the right to apply to the Certification Officer if there has been a breach or threatened breach of a trade union's rules relating to any of the matters set out in section 108A (2) of the 1992 Act (as inserted by Schedule 6 to the 1999 Act). The matters are: -

*“(a) the appointment or election of a person to, or the removal of a person from, any office;*

*I. disciplinary proceedings by the union (including expulsion);*

*II. the balloting of members on any issue other than industrial action;*

*III. the constitution or proceedings of any executive committee or of any decision-making meeting;*

*IV. such other matters as may be specified in an order made by the Secretary of State.”*

- 9.3 The applicant must be a member of the union, or have been a member at the time of the alleged breach or threatened breach. The Certification Officer may not consider an application if the applicant has applied to the court in respect of the same matter. Similarly once an application has been made to the Certification Officer the same matter may not be put to the court.
- 9.4 The Certification Officer may refuse to accept an application unless he is satisfied that the applicant has taken all reasonable steps to resolve the claim by the use of any internal complaint's procedure of the union.
- 9.5 If the Certification Officer accepts an application he is required to make such enquiries as he thinks fit and, before reaching a decision on the application, provide the applicant and the trade union with an opportunity to be heard. Should a hearing be held, in certain circumstances, expenses incurred by applicants attending the hearings can be reimbursed by the Office.
- 9.6 The Certification Officer must give reasons for his decision in writing and where he makes the declaration sought is required, unless he considers that to do so would be inappropriate, make an enforcement order imposing on the union one or more of the following requirements:-
- to take such steps to remedy the breach, or withdraw the threat of a breach, as may be specified in the order;
  - to abstain from such acts as may be so specified with a view to securing that a breach or threat of the same or a similar kind does not occur in future.

Where an order imposes a requirement on the union as in (a) above, the order must specify the period within which the union must comply with the requirement of the order.

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

- 9.8 An appeal on any question of law arising in proceedings before or arising from a determination by the Certification Officer, may be made to the Employment Appeal Tribunal.

### **Applications, investigations and decisions**

- 9.9 The commencement date for the provisions of the Employment Relations Act 1999 relating to breach of union rule applications is the 25 October 1999 and the Certification Officer's powers to deal with such applications is restricted to alleged breaches occurring on or after the 27 July 1999.
- 9.10 No decisions have been issued in the period from the 25 October 1999 to 31 March 2000. At the close of the period ten applications against four unions are outstanding.
- 9.11 Copies of all decisions are available free of charge from the Certification Office.
- 9.12 Since the commencement date (25 October 1999) for the provisions of the Employment Relations Act 1999 relating to the powers of the Certification Officer, a total of 132 enquiries were received up to the 31 March 2000. Of the enquiries received more than a third could lead to applications within the Certification Officer's jurisdiction. The analysis of these enquiries is as follows:

General advice on the role of the Certification Officer	12
Appointment, election or dismissal from any office in the union	20
Disciplinary proceedings within the union	16
Balloting of union members (other than industrial action)	12



Constitution or proceedings of a unions executive committee or certain other bodies	13
Inadequate representation of members by their union	47
Union benefits or membership issues	2
Others	10
Total	132

# Appendix 1

(see paragraph 1.8)

## List of Trade Unions at 31 March 2000

### Notes:

Trade unions first entered in the list during the period 1 January 1999 and 31 March 2000 are shown in italics.

\* Denotes a trade union holding a certificate of independence at 31 March 2000.

# Denotes a trade union which has been refused a certificate of independence.

(P) Denotes a trade union with a political fund resolution in force at 31 March 2000.

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

### England and Wales

\*Alliance and Leicester Group Union of Staff

\*Amalgamated Engineering and Electrical Union (P)

*Ambulance Service Union*

\*ANSA

\*Associated Metalworkers Union

\*Associated Society of Locomotive Engineers and Firemen (P)

\*Association for College Management

\*Association of Cambridge University Assistants

\*Association of Clinical Biochemists Limited

\*Association of Educational Psychologists

\*Association of First Division Civil Servants

\*Association of Her Majesty's Inspectors of Taxes (P)

- \*Association of Licensed Aircraft Engineers (1981)
- \*Association of Local Authority Chief Executives
- \*Association of Magisterial Officers
- Association of Management and Professional Staffs
- Association of Plastic Operatives and Engineers
- \*Association of Principal Fire Officers
- \*Association of Professional Ambulance Personnel
- Association of Professional Care Employees*
- \*Association of Professional Music Therapists in Great Britain
- \*Association of Public Service Finance Officers
- Association of Somerset Inseminators
- \*Association of Teachers and Lecturers
- Association of Theatre Personnel Nationwide
- \*Association of University Teachers (P)
- \*Audit Commission Staff Association
- \*AXIS The AXA Sun Life Staff Association
  
- \*Bakers Food and Allied Workers Union (P)
- Balfour Beatty Group Staff Association
- Benefits Agency Sessional Doctors Association
- Birmingham Union of Club Stewards
- Boots Pharmacists Association (BPA)
- \*Britannia Staff Union
- \*Britannic Field Staff Association
- \*British Actors Equity Association incorporating the Variety Artistes Federation
- \*British Aerospace Senior Staff Association
- \*British Air Line Pilots Association
- British Association of Advisers and Lecturers in Physical Education
- \*British Association of Colliery Management
- \*British Association of Dental Nurses
- \*British Association of Journalists
- \*British Association of Occupational Therapists Limited
- \*British Dental Association
- \*British Dietetic Association

- \*British Medical Association
- \*British Orthoptic Society
- \*British Union of Social Work Employees
- \*Broadcasting Entertainment Cinematograph and Theatre Union (P)

*Caerphilly Public Employees Union*

- \*Card Setting Machine Tenters Society
- \*Ceramic and Allied Trades Union (P)
- \*Chartered Society of Physiotherapy
- \*Cheshire Building Society Staff Association
- Church and Oswaldtwistle Power-Loom Overlookers Society
- Civil and Public Services Union (1998)
- \*CGU Staff Association
- \*Communication Workers Union (P)
- \*Community and District Nursing Association
- \*Community and Youth Workers Union
- \*Connect; The Union for Professionals in Communications (P)
- ◇Council of Civil Service Unions

- \*Derbyshire Building Society Staff Association
- #Dexion Staff Association
- \*Diplomatic Service Association
- \*Directors Guild of Great Britain

- \*Ellington Branch of the North East Area of the National Union of Mineworkers
- \*Engineering and Fasteners Trade Union
- \*Engineering Craft and Technicians Association
- \*Engineering Officers Technical Association
- \*Engineers and Managers Association
- Expressions Union*

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

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

Hambro Staff Association  
Harrods Staff Union  
Headmasters and Headmistresses Conference  
Hongkong Bank Group UK Staff Association  
\*Hospital Consultants and Specialists Association  
\*Hyde and District Textile (Technicians and Operatives) Association

\*Immigration Service Union  
\*Independent Union of Halifax Staff  
Institute of Football Management and Administration  
\*Institute of Journalists (Trade Union)  
Institute of Professional Driving Examiners  
\*Institution of Professionals Managers and Specialists (P)  
\*Irish Bank Officials Association  
\*Iron and Steel Trades Confederation (P)

#Jones and Shipman Administrative Staff Association

\*Lawson Mardon Star Ltd Managerial Staff Association  
Lecturers Employment Advice and Action Fellowship  
\*Leek United Building Society Staff Association  
Leicestershire Overmen Deputies and Shotfirers Association  
Lloyds Register (UK) Staff Association  
\*Lloyds TSB Group Union

- \*Managerial and Professional Officers Union
- \*Manufacturing Science and Finance Union (P)
- \*Midland Area Association of Colliery Officials (P)
- \*Military and Orchestral Musical Instrument Makers Trade Society
- \*Musicians Union (P)
  
- \*National Association of Colliery Overmen Deputies and Shotfirers (P)
- National Association of Colliery Overmen Deputies and Shotfirers (Northumberland Area)
- \*National Association of Colliery Overmen Deputies and Shotfirers (South Wales Area)
- \*National Association of Colliery Overmen Deputies and Shotfirers (Yorkshire Area)
- \*National Association of Co-operative Officials
- \*National Association of Educational Inspectors Advisers and Consultants
- \*National Association of Head Teachers
- \*National Association of NFU Group Secretaries
- \*National Association of Probation Officers
- \*National Association of Schoolmasters and Union of Women Teachers (P)
- \*National Association of Teachers in Further and Higher Education (P)
- \*National Federation of Sub-Postmasters
- National House Building Council Staff Association
- \*National Society for Education in Art and Design
- \*National Union of Club Stewards
- \*National Union of Domestic Appliances and General Operatives (P)
- \*National Union of Flint Glass Workers
- \*National Union of Journalists
- \*National Union of Knitwear Footwear and Apparel Trades (P)
- \*National Union of Lock and Metal Workers
- \*National Union of Marine Aviation and Shipping Transport Officers
- \*National Union of Mineworkers (P)
- National Union of Mineworkers (Cokemens Area)
- \*National Union of Mineworkers (Colliery Officials and Staffs Area)
- National Union of Mineworkers (Colliery Officials and Staffs Area) (Region No. 2)
- \*National Union of Mineworkers (Colliery Officials and Staffs Area) (Region No. 4)
- National Union of Mineworkers (Derbyshire Area)
- National Union of Mineworkers (Durham Area)

- \*National Union of Mineworkers (Leicester Area)
- National Union of Mineworkers (Midland Area)
- National Union of Mineworkers (North Stafford Federation Midland Area)
- National Union of Mineworkers (Northumberland Area)
- National Union of Mineworkers (North Wales Area)
- \*National Union of Mineworkers (Power Group Area)
- National Union of Mineworkers (South Wales Area)
- \*National Union of Rail Maritime and Transport Workers (P)
- \*National Union of Teachers
- \*Nationwide Group Staff Union
- NCH Marketing Services Ltd Staff Association
- \*Northern Carpet Trades Union

#### Organisation of CPL Technicians

- \*Portman Staff Association
- \*Power Loom Carpet Weavers and Textile Workers Union (P)
- \*Prison Governors Association
- \*Prison Officers Association (P)
- \*Prison Service Union
- Professional Association of Cabin Crew Employees*
- \*Professional Association of Teachers
- Professional Cricketers Association
- #Professional Flight Instructors Association
- Professional Footballers Association
- Professional Rugby Players Association*
- \*Public and Commercial Services Union
- Public Transport (Staff) Consortium
- \*Retail Book Stationery and Allied Trades Employees Association
- \*Retained Firefighters Union
- \*Retired Officers Association
- \*Royal College of Midwives
- \*Royal College of Nursing of the United Kingdom

#Royal Lancaster Hotel Staff Association

RSPB Staff Association

Scarborough Building Society Staff Association (SOCASS)

\*Secondary Heads Association

*Securicor Custodial Services Staff Association*

Self-Employed and Employed Electricians Association

Sheffield Wool Shear Workers Trade Union

\*Skipton Staff Association

\*Society of Authors Limited

\*Society of Chief Officers of Probation

\*Society of Chiropodists and Podiatrists

\*Society of Radiographers

\*Society of Union Employees (UNISON)

\*Stable Lads Association

\*Staff Association of Bank of Baroda (UK Region)

\*Staff Union West Bromwich Building Society

\*Staffordshire Building Society Staff Association

\*Teston Independent Society of Cricket Ball Makers

\*Transport and General Workers Union (P)

\*Transport Salaried Staffs Association (P)

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

\**UNIFI*

\*Union for Bradford and Bingley Staff

\*Union of Construction Allied Trades and Technicians (P)

*Union of Country Sports Workers*

\*Union of Democratic Mineworkers (P)

Union of Dexion Workers

\*Union of Finance Staff

\*Union of Shop Distributive and Allied Workers (P)

\*Union of Textile Workers (P)

\*UNISON - The Public Service Union (P)



\*United Road Transport Union

*Volunteers and Private Sectors Workers Union*

Whatman Staff Association

\*Woolwich Independent Staff Association

\*Writers Guild of Great Britain

\*Yorkshire Independent Staff Association

**Scotland**

Aegis; The Aegon UK Staff Association

\*Association of Head Teachers in Scotland

\*Dunfermline Building Society Staff Association

\*Educational Institute of Scotland (P)

Independent Federation of Nursing in Scotland

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

\*National Union of Mineworkers (Colliery Officials and Staffs Area) Scottish Region No. 8

\*Offshore Industry Liaison Committee

\* Prison Staff Association

\*Scottish Carpet Workers Union

\*Scottish Further and Higher Education Association

\*Scottish Prison Officers Association

\*Scottish Secondary Teachers Association

\*Scottish Union of Power Loom Technicians



# Appendix 1a

(see paragraph 1.9)

## Unlisted Trade Unions at 31 March 2000

(P) Denotes a trade union with a political fund resolution in force at 31 March 2000.

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

### England and Wales

Anchor Group Staff Association

Association of Chiropodists and Podiatrists

Association of Flight Attendants (Council 07)‡

Basketball Players Association

◇British Seafarers Joint Council

CGU Managers Association

◇Confederation of Insurance Trade Unions

Confederation of Shipbuilding and Engineering Unions

Federation of Entertainment Unions

Friends Provident Line Managers Association

*Ice Hockey Players Association*

International Federation of Actors

International Transport Workers Federation

Joint Committee of Light Metal Trades Union (1992)

Leeds and Holbeck Building Society Staff Association

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‡A branch of an independent American trade union.

National Union of Mineworkers (North East Area)

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

NFU Staff Association

Society of Local Council Clerks

Society of Registration Officers (Births, Deaths and Marriages)

Trades Union Congress

## **Scotland**

National Union of Mineworkers - Scottish Area

## **Appendix 2**

**(see paragraph 1.8)**

### **List of Employers' Associations at 31 March 2000**

#### **England and Wales**

Advertising Film and Videotape Producers Association  
Anglian Marine Industries Association  
Association of British Orchestras  
Association of Circus Proprietors of Great Britain  
Association of Indian Banks in the United Kingdom  
Association of Midland Advertising Agencies  
Association of Newspaper and Magazine Wholesalers  
Association of Northern Advertising Agencies  
Association of Scottish Advertising Agencies

Birmingham Wholesale Fresh Produce Association  
British Amusement Catering Trades Association  
British Box and Packaging Association  
British Clothing Industry Association Limited  
British Decorators Association  
British Exhibition Contractors Association  
British Glove Association  
British Lace Federation  
British Leavers Lace Manufacturers Association  
British Lock Manufacturers Association  
British Metals Federation  
British Precast Concrete Federation Limited  
British Printing Industries Federation  
Builders Merchants Federation  
China Clay Association

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

Dairy Industry Federation Limited

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

Federation of Dredging Contractors  
Federation of Master Builders  
Footwear Distributors Federation

Glass and Glazing Federation  
Greater London Employers Association Limited

Heating and Ventilating Contractors Association  
Hinckley and District Knitting Industry Association

Lancaster Morecambe and South Lakeland Master Plumbers Association  
Lancashire Textile Manufacturers Association  
Leather Producers Association

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

National Association of Farriers Blacksmiths and Agricultural Engineers  
National Association of Master Bakers  
National Association of Plumbing Heating and Mechanical Services Contractors  
National Association of Self Employed of Great Britain and Northern Ireland  
National Farmers Union  
National Federation of Master Window and General Cleaners  
National Federation of Retail Newsagents  
National Fillings Association  
National Hairdressers Federation  
National Pharmaceutical Association Limited  
National Sawmilling Association  
National Trainers Federation  
Newspaper Society  
North East Regional Employers Organisation for Local Authorities

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

Representative National Organisation of Employers of Local Authority Staff  
Retail Motor Industry Federation Ltd

Showmens Guild of Great Britain  
Smithfield Market Tenants Association London  
South East Employers  
South Western Provincial Employers Organisation

Stourbridge Crystal Glass Manufacturers Association

Thermal Insulation Contractors Association

Vehicle Builders and Repairers Association Limited

Welsh Engineers and Founders Association

Wire and Wire Rope Employers Association

Yorkshire and Humberside Local Authorities Employers Forum

Yorkshire Glass Manufacturers Association

### **Scotland**

Electrical Contractors Association of Scotland

Employers in Voluntary Housing Limited

Glasgow and District Retail Fleshers Association

Malt Distillers Association of Scotland

Scottish and Northern Ireland Plumbing Employers Federation

Scottish Decorators Federation

Scottish Engineering

Scottish Grocery Trade Employers Association

Scottish Newspaper Publishers Association

Scottish Pharmaceutical Federation

Scottish Print Employers Federation



## **Appendix 2a**

**(see paragraph 1.9)**

### **Unlisted Employers' Associations at 31 March 2000**

#### **England and Wales**

Association of Colleges

Association of Master Lightermen and Barge Owners

Association of Post Production Companies

Association of Street Lighting Electrical Contractors

B F M Limited

British Ball Clay Producers Federation Ltd

British Ceramic Confederation

British Cutlery and Silverware Manufacturers Association

British Footwear Association

British Jewellery and Giftware Federation Ltd

British Luggage and Leather Goods Manufacturers Association

British Narrow Fabrics Association

British Secondary Metals Association

British Soft Drinks Association Ltd

Chemical Industries Association Ltd

Confederation of British Wool Textiles Limited

Corrugated Packaging Association

Covent Garden Tenants Association Limited

Federation of Engineering Design Companies Ltd

Felt Roofing Contractors Employers Association

Fencing Contractors Association

Food Manufacturers Industrial Group

Freight Transport Association

Heywood and District Cotton Employers Association Limited

Incorporated Guild of Hairdressers Wigmakers and Perfumers

Industrial Leathers Federation

Kidderminster District Carpet Manufacturers and Spinners Association

Knitting Industries Federation Limited

Leicester and County Footwear Manufacturers Association

Lighter Trades Industrial Section

London Association of Funeral Directors

London Fish Merchants Association (Billingsgate) Limited

Made-up Textiles Association Ltd

Master Carvers Association

Master Tanners Association

Metal Packaging Manufacturers Association

National Bedding Federation Limited

National Federation of Roofing Contractors Ltd

North West Timber Trades Association

North Western Local Authorities Employers Organisation

Northamptonshire Footwear Manufacturers Association

Northern Brick Federation

Oldham and Rochdale Textile Employers Association Ltd

Radio Electrical and Television Retailers Association (RETRA) Ltd

Refractory Users Federation

Road Haulage Association Limited

Screen Printing Association (UK) Ltd

Sheffield Spoon and Fork Blank Manufacturers Association  
Society of Master Shoe Repairers Ltd  
Society of London Theatre “SOLT”  
South Western Roadstone Employers Federation  
Spitalfields Market Tenants Association Ltd

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

United Kingdom Jute Goods Association Ltd  
Universities and Colleges Employers Association

Wall Covering Manufacturers Association of Great Britain Ltd  
West of England Wool Textile Employers Association  
West Midlands Local Government Association

## **Scotland**

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

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

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

Dumbarton and District Master Wrights and Builders Association  
Dundee and District Master Plumbers Association

Edinburgh and District Master Builders Association  
Edinburgh and District Plumbing Employers Association

Fife and Kinross Master Plumbers Association  
Forth Valley Building Trades Employers Association

Glasgow and West of Scotland Plumbing Employers Association  
Grampian Building Employers Association  
*Greenock and District Building Trades (Employers) Federation*

Highland Building Employers Association

Inverness and Northern District Master Plumbers Association

Lanarkshire Master Plumbers Association

Moray Banff and Nairn Building Trades Employers Association

National Farmers Union of Scotland  
National Metal Trades Federation

Orkney Building Employers Association

Perth and District Building Trades Employers Association  
Perth and District Master Plumbers Association

Renfrewshire Master Builders

Scottish Association of Master Bakers  
Scottish Association of Meat Wholesalers  
Scottish Building Employers Federation  
Scottish Employers Council for the Clay Industries  
Scottish Knitwear Association  
Scottish Master Slaters and Roof Tilers Association

Scottish Master Wrights and Builders Association  
Scottish Pre-cast Concrete Manufacturers Association

Tayside Association of Construction Employers

Western Isles Building Employers Association  
Wholesale Grocers Association for Scotland

## **Appendix 3**

**(see paragraph 2.9)**

### **Decisions on Trade Union Independence during the period 1 January 1999 to 31 March 2000.**

#### **Certificates of independence issued**

UNIFI (Issued 13 July 1999)

Prison Staff Association (Issued 17 September 1999)

Leek United Building Society Staff Association (Issued 1 February 2000)

#### **Certificates of independence refused**

None

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

Cabin Crew 89 (Cancelled 19 March 1999)

Union of Royal and Sun Alliance Staff (Cancelled 26 April 1999)

Banking Insurance and Finance Union (Cancelled 11 May 1999)

NatWest Staff Association (Cancelled 11 May 1999)

UNIFI (Cancelled 11 May 1999)

Lufthansa Staff Association United Kingdom (Cancelled 28 September 1999)

Corporation of London Staff Association (Cancelled 4 November 1999)

United Friendly Agents Association (Cancelled 16 November 1999)

National Union of Insurance Workers (Cancelled 1 January 2000)

National League of the Blind and Disabled (Cancelled 8 February 2000)

#### **Certificates cancelled because the union was dissolved**

Pattern Weavers Society (Cancelled 14 March 2000)

## Appendix 4

### Summary of Statistics - Trade Unions, 1998

The annual returns completed by trade unions for the Certification Office require the accounts to be shown in a particular way. The figures used in this Appendix are taken from these annual returns and provide a simple analysis. Copies of individual annual returns are available from the Office. Individual unions publish their own accounts with considerable variations in format. It may be difficult therefore to correlate the figures in the Appendix with those in any published accounts of individual trade unions. *The information in the table relates to the year 1998 and therefore to unions which were in existence at that time.*

#### Notes

- (a) The total membership reported by some trade unions includes a number of special categories (eg. honorary, retired, unemployed) who are members under the union's rules but who either pay no contribution to union funds or make a nominal payment only.
- (b) Investment income is shown net of certain items such as outgoings on property held as an investment, but not, for most unions, net of tax paid on that income.
- (c) Total income and total expenditure include receipts, outgoings and all other items which increased or decreased a union's total funds during the year. It is not confined to normal revenue income and expenditure. Tax recoveries and provisions no longer required are therefore included in total income, and tax paid is included in total expenditure.
- (d) Investment assets are shown at cost.
- (e) This figure has been changed from last year's report due to later information.

# Summary of Statistics - Trade Unions, 1998

# Appendix 4

(see paragraph 4.3)

	Number of Members	GROSS INCOME				GROSS EXPENDITURE	TOTAL FUNDS		GROSS ASSETS				Total Liabilities
		From Members	From Investments	Other Income	Total Income	Total expenditure	Beginning of the Year	End of the Year	Fixed Assets	Investments	Other Assets	Total Assets	
		(a) £000s (1)	(b) £000s (3)	(c) £000s (4)	(c) £000s (5)	(c) £000s (6)	£000s (7)	£000s (8)	£000s (9)	(d) £000s (10)	£000s (11)	£000s (12)	£000s (13)
UNISON: The Public Service Union	1,272,330	103,818	2,619	5,457	111,894	107,342	81,581	86,133	26,996	11,501	60,444	98,941	12,808
Transport and General Workers Union	881,625	68,349	2,614	336	71,299	67,640	81,738	85,397	47,176	28,927	16,919	93,022	7,625
Amalgamated Engineering and Electrical Union	727,977	36,421	2,822	3,808	43,051	38,735	48,957	53,273	13,377	40,385	13,858	67,620	14,347
GMB	712,010	41,156	1,625	2,950	45,731	47,479	53,251	51,503	26,329	19,154	10,245	55,728	4,225
Manufacturing Science and Finance Union	416,000	24,474	119	291	24,884	24,123	8,287	9,048	14,124	1,704	7,248	23,076	14,028
Royal College of Nursing of the United Kingdom	320,206	14,225	-	77	14,302	14,302	-	-	-	-	6,239	6,239	6,239
Union of Shop Distributive and Allied Workers	303,060	17,112	1,623	2,374	21,108	18,735	19,269	21,642	3,467	16,889	1,763	22,119	477
Communication Workers Union	287,732	25,224	670	1,108	27,003	26,684	24,260	24,579	13,176	7,342	8,893	29,410	4,832
National Union of Teachers	286,503	15,554	1,083	1,001	17,638	17,444	10,752	10,945	3,853	3,695	6,068	13,617	2,671
National Association of Schoolmasters and Union of Women Teachers	250,783	11,341	767	2,274	14,383	12,474	18,198	20,107	7,558	10,887	2,838	21,283	1,176
Public and Commercial Services Union	245,350	16,520	798	578	17,896	17,664	28,089	28,321	11,884	3,465	14,105	29,454	1,133
Graphical Paper and Media Union	203,229	18,238	3,007	6,690	27,934	26,025	40,015	41,924	3,521	16,051	24,979	44,552	2,628
Association of Teachers and Lecturers	168,027	9,075	598	237	9,910	9,501	6,605	7,014	3,726	586	4,275	8,587	1,573
Union of Construction Allied Trades and Technicians	111,804	4,246	79	123	4,448	3,808	954	1,594	1,492	19	1,095	2,606	1,012
British Medical Association	106,864	20,518	5,744	35,003	61,265	57,508	47,127	50,884	6,308	39,857	27,136	73,301	22,417
Banking Insurance and Finance Union	106,007	6,576	188	440	7,204	7,719	3,502	2,987	2,591	791	281	3,663	676
Total for above unions with 100,000 members or more	6,399,507	432,847	24,356	62,747	519,950	497,183	472,585	495,351	185,578	201,253	206,386	593,218	97,867
Total for 204 other listed unions with less than 100,000 members	1,407,910	125,087	17,323	35,548	177,959	168,298	242,607	252,268	77,770	138,631	82,993	299,394	47,127
Total for listed unions	7,807,417	557,934	41,679	98,295	697,909	665,481	715,192	747,619	263,348	339,884	289,379	892,612	144,994
Trades Union Congress	-	10,894	989	1,722	13,605	13,741	5,897	5,762	3,798	2,173	3,489	9,460	3,698
Total for 17 other unlisted unions which have submitted returns	44,487	19,499	3,922	2,857	26,278	24,534	56,381	58,125	5,307	34,932	36,173	76,412	18,287
<b>Total for all unions 1998</b>	<b>7,851,904</b>	<b>588,327</b>	<b>46,590</b>	<b>102,874</b>	<b>737,792</b>	<b>703,756</b>	<b>777,470</b>	<b>811,506</b>	<b>272,453</b>	<b>376,989</b>	<b>329,041</b>	<b>978,484</b>	<b>166,979</b>
Total for all unions 1997	7,801,315	576,638	40,238	107,213	724,089	682,121	735,995	777,963	269,754	350,148	315,248	935,150	157,187

Notes - see previous page



# Appendix 4(a)

(see paragraph 4.13)

## Salary and Benefits of Trade Union Chief Executives

England and Wales

	<i>Title</i> (General Secretary unless stated)	£ <i>Salary</i>	£ <i>Benefits</i> (a)
Amalgamated Engineering and Electrical Union		62,764	19,454
ANSA		16,599	2,181
Associated Metalworkers Union		36,452	2,699
Associated Society of Locomotive Engineers and Firemen		70,674	41,441(b)
Association for College Management		54,296	2,667
Association of Educational Psychologists		38,819	4,686
Association of First Division Civil Servants		53,253	10,957
Association of Local Authority Chief Executives		-	2,500(c)
Association of Magisterial Officers		41,700	1,598
Association of Professional Music Therapists in Great Britain	Chairperson	-	1,423(c)
Association of Teachers and Lecturers		82,253	15,828
Association of University Teachers		56,149	10,107
Bakers Food and Allied Workers Union		28,866	6,512
Banking Insurance and Finance Union		45,292	9,392
Boots Pharmacists Association (BPA)		5,000	-
Britannic Field Staff Association	National Secretary	22,497	6,447
Britannic Supervisory Union		-	600
British Actors Equity Association incorporating the Variety Artistes Federation		47,781	5,475
British Air Line Pilots Association		77,696	12,995
British Association of Advisers and Lecturers in Physical Education		11,736	-
British Association of Colliery Management		45,100	8,414
British Association of Journalists		4,725	-
British Dental Association	Chief Executive	77,777	486
British Medical Association		105,613	21,172
British Union of Social Work Employees		5,859	802
Broadcasting Entertainment Cinematograph and Theatre Union		40,834	8,480
Cabin Crew 89		9,828	-
Ceramic and Allied Trades Union		30,919	17,955
CGU Staff Association		51,059	7,148
Chartered Society of Physiotherapy	Chief Executive	39,083	5,081
Church and Oswaldtwistle Power Loom Overlookers Society		70	-
Communication Workers Union		64,262	27,879
Community and Youth Workers Union		29,070	2,582
Confederation of Shipbuilding and Engineering Unions		62,036	15,058
Connect; The Union for Professionals in Communications		60,935	49,797
Corporation of London Staff Association		34,272	-
Engineering Craft and Technicians Association		-	267
Engineering and Fasteners Trade Union		200	-
Engineers and Managers Association		66,294	14,154
Fire Brigades Union		46,028	17,776
Fire Officers Association		24,728	3,381
Gas Managers Association		29,086	3,257
General Dental Practitioners Association		25,235(c)	-
General Federation of Trade Unions		49,748	15,943
General Union of Loom Overlookers		20,410	-
Girobank Senior Managers Staff Association		-	200(c)
GMB		62,000	17,000
Graphical Paper and Media Union		61,543	11,469
Guild of Professional Teachers of Dancing		6,000	-
Headmasters and Headmistresses Conference		55,738	24,212
Hospital Consultants and Specialists Association	Administrative Director	42,156	11,578
Hyde and District Textile (Technicians and Operatives) Association		399	-
Immigration Service Union		-	650(c)
Independent Union of Halifax Staff		67,706	10,256
Institute of Football Management and Administration		21,013	-
Institute of Journalists (Trade Union)		22,460	-
Institution of Professionals Managers and Specialists		71,360	5,573
International Federation of Actors		44,458	7,113

International Transport Workers Federation		49,036	12,181
Irish Bank Officials Association		72,842(IR£)	64,801(IR£)(d)
Iron and Steel Trades Confederation		50,555	5,258
Lecturers Employment Advice and Action Fellowship		900	-
Leicestershire Overmen Deputies and Shotfirers Association		993	-
Lloyds TSB Group Union		54,133	22,925
Managerial and Professional Officers Union		48,579	2,571(e)
	Chief Executive	15,861	355(f)
Manufacturing Science and Finance Union		71,073	10,908
Midland Area Association of Colliery Officials		17,000	7,628
Musicians Union		55,102	16,842
National Association of Colliery Overmen Deputies and Shotfirers (South Wales Area)		24,500	-
National Association of Colliery Overmen Deputies and Shotfirers (Yorkshire Area)	President	35,474	-
National Association of Co-operative Officials		51,132	9,704
National Association of Educational Inspectors Advisers and Consultants		25,807	-
National Association of Head Teachers		78,267(g)	11,381
National Association of NFU Group Secretaries		-	5,540
National Association of Probation Officers		40,225	9,075
National Association of Schoolmasters and the Union of Women Teachers		65,460	16,609
National Association of Teachers in Further and Higher Education		42,541	7,023
National Federation of Sub-Postmasters		54,389	16,720
National League of the Blind and Disabled		23,650	5,171
National Society for Education in Art and Design		38,830	-
National Union of Club Stewards		19,572	-
National Union of Domestic Appliances and General Operatives		22,349	5,540
National Union of Flint Glassworkers		1,750	-
National Union of Insurance Workers		38,506	20,671
National Union of Journalists		43,284	2,206
National Union of Knitwear Footwear and Apparel Trades		34,949	13,334
National Union of Lock and Metal Workers		24,081	8,861
National Union of Marine Aviation and Shipping Transport Officers		54,005	9,247
National Union of Mineworkers	President	64,020	1,092
National Union of Mineworkers (Cokemens Area)	Area Secretary	40,225	9,842
National Union of Mineworkers (Colliery Officials and Staffs Area) (Region No. 2)	Regional Officer	14,934	-
National Union of Mineworkers (Colliery Officials and Staffs Area) (Region No. 4)		15,563	4,665
National Union of Mineworkers (Derbyshire Area)		40,075	14,405
National Union of Mineworkers (Durham Area)		6,948	-
National Union of Mineworkers (Leicester Area)		26,124	1,861
National Union of Mineworkers (Midlands Area)		35,960	6,826
National Union of Mineworkers (North East Area)		6,948	-
National Union of Mineworkers (Northumberland Area)		13,518	3,307
National Union of Mineworkers (North Wales Area)		16,663	4,627
National Union of Mineworkers (Power Group Area)		22,600(h)	-
National Union of Mineworkers (South Wales Area)		28,147	-
National Union of Rail Maritime and Transport Workers		52,916	15,862
National Union of Teachers		74,664	8,307
Nationwide Group Staff Union		55,548	8,235
NatWest Staff Association		57,881	12,189
Northern Carpet Trades Union		21,070	8,706
Pattern Weavers Society	Treasurer/Secretary	130	-
Power Loom Carpet Weavers and Textile Workers Union		23,002	3,933
Prison Officers Association		41,872	21,202
Professional Association of Teachers		24,169	1,909
Professional Cricketers Association	Chief Executive	40,000	8,312
Professional Footballers Association	Chief Executive	283,537	133,233
Public and Commercial Services Union	Joint General Secretaries	42,416	2,123
		40,064	-
Retail Book Stationery and Allied Trades Employees Association	President	29,695	3,120
Retained Firefighters Union		25,152	2,096
Retired Officers Association		1,000	1,500
Royal College of Midwives		64,339	14,074
Royal College of Nursing of the United Kingdom		84,609(i)	18,342
Secondary Heads Association		58,578	8,295
Sheffield Wool Shear Workers Trade Union		40	-
Society of Authors Limited		65,500	17,276
Society of Chiropodists and Podiatrists		49,550	2,226(j)
		16,552	994(k)
Society of Local Council Clerks		10,000	-
Society of Radiographers		24,667	2,227
Society of Registration Officers (Births, Deaths and Marriages)		450(c)	-
Stable Lads Association		16,293	-
Trades Union Congress		60,531	9,555
Transport and General Workers Union		59,611	15,099
Transport Salaried Staffs Association		41,422	1,576
Undeb Cenedlaethol Athrawon Cymru (National Association of Teachers of Wales)		30,615	2,606
UNIFI		90,009	14,885(l)

Union for Bradford and Bingley Staff	35,422	5,372
Union of Construction Allied Trades and Technicians	33,897	6,649
Union of Democratic Mineworkers (National)	11,857	200
Union of Finance Staff	57,715	16,708
Union of Royal and Sun Alliance Staff	48,716	5,782
Union of Shop Distributive and Allied Workers	60,350	14,138
Union of Textile Workers	21,310	5,368
UNISON - The Public Service Union	68,699	21,179
United Friendly Agents Association	20,680	32,917
United Road Transport Union	38,097	8,095
Woolwich Independent Staff Association	32,477	8,275
Writers Guild of Great Britain	43,000	3,225

#### Scotland

Association of Head Teachers in Scotland	11,200(c)	-
Educational Institute of Scotland	57,044	8,558
Independent Federation of Nursing in Scotland	4,800	-
National Union of Mineworkers (Scotland Area)	3,438	-
Offshore Industry Liaison Committee	23,680	-
Scottish Carpet Workers Union	19,098	2,021
Scottish Further and Higher Education Association	26,027	-
Scottish Prison Officers Association	33,422	8,931
Scottish Secondary Teachers Association	50,714	8,759
Scottish Union of Power Loom Technicians	-	40(c)

- Notes:
- (a) Employer pension contributions make up a significant, if not major proportion of benefits made.
  - (b) Total paid in respect of two people who held this post during 1998 and is not the sum paid to any one individual. Total also includes a termination payment.
  - (c) Honorarium.
  - (d) Includes substantial exceptional payments into a pension fund.
  - (e) Payments in respect of the period January to April 1998 and include termination payment.
  - (f) Payments in respect of the period September to December 1998.
  - (g) The General Secretary also acts as the union's solicitor.
  - (h) Payments cover a sixteen month period to 30 April 1999.
  - (i) These figures include payments made in respect General Secretary's role in the associated charitable trust.
  - (j) Payments in respect of the period 1/01/98 to 4/09/98.
  - (k) Payments for the period 5/09/98 to 31/12/98 in respect of the Acting General Secretary.
  - (l) These figures relate to UNIFI as it existed in 1998.

## Appendix 5

### Summary of Statistics - Employers' Associations, 1998

Appendix 5 provides a simple analysis of the annual returns made by employers' associations to the Certification Office. Copies of individual annual returns are available from the Office. It may be difficult to correlate these figures with those in an association's published accounts. Where an association has functions outside the field of industrial relations the return may relate to its activities as a whole and not merely to its industrial relations functions.

#### Notes

- (a) Income from investments includes interest on short term deposits.
- (b) Total income and gross expenditure include receipts, outgoings and all other items which increased or decreased an employers' association's funds during the year. It is not confined to normal revenue income and expenditure. Tax recoveries and provisions no longer required are therefore included in total income, and tax paid is included in total expenditure.
- (c) Investment assets are shown at cost.
- (d) This figure has been changed from last year's report due to later information.

# Summary of Statistics - Employers' Associations, 1998

# Appendix 5

(see paragraph 4.15)

	GROSS INCOME				GROSS EXPENDITURE  (b) £000s (5)	TOTAL FUNDS		GROSS ASSETS				Total Liabilities  £000s (12)	Number of Members  (13)
	From Members	From Investments (a)	Other Income	Total Income (b)		Beginning of the Year	End of the Year	Fixed Assets	Investment Assets (c)	Other Assets	Total Assets		
	£000s (1)	£000s (2)	£000s (3)	£000s (4)		£000s (6)	£000s (7)	£000s (8)	£000s (9)	£000s (10)	£000s (11)		
Employers' Associations with over £2,000,000 total income:-													
EEF West Midlands Association	1,544	364	5,379	7,287	6,569	4,202	4,920	4,308	1,394	3,451	9,153	4,233	1,209
Engineering Employers Federation	2,302	3,631	1,048	6,982	6,017	22,803	23,767	2,292	21,682	1,207	25,181	1,414	17
EEF South	1,067	100	1,093	2,260	2,258	2,239	2,241	1,363	1,096	501	2,960	719	575
Engineering Construction Industry Association	1,507	209	364	2,081	1,890	1,742	1,933	69	408	2,298	2,776	843	272
Engineering Employers Western Association	844	48	1,114	2,006	2,001	409	415	306	369	404	1,080	665	388
9 Other Engineering Employers' Associations in Great Britain	3,911	261	4,076	8,249	7,890	4,120	4,479	2,127	1,445	2,848	6,420	1,941	2,765
England and Wales Cricket Board Limited	-	-	51,044	51,044	50,984	81	141	358	-	20,631	20,989	20,848	39
National Farmers Union	22,085	2,256	4,028	28,369	26,117	45,115	47,367	28,063	18,731	13,561	60,356	12,989	130,646
Retail Motor Industry Federation Limited	3,202	172	11,087	14,461	14,658	3,864	3,667	3,335	-	5,360	8,696	5,029	10,959
*Freight Transport Association Limited	2,710	117	10,962	13,788	13,612	4,417	4,592	4,259	-	4,245	8,505	3,912	11,777
Electrical Contractors Association	2,291	4,392	3,857	10,541	8,610	35,306	37,237	661	44,265	7,173	52,099	14,862	2,003
Heating and Ventilating Contractors Association	1,743	426	4,505	6,674	8,821	6,201	4,055	710	1,072	5,312	7,095	3,040	1,276
British Printing Industries Federation	3,956	95	2,603	6,654	6,671	1,715	1,698	605	1,694	2,357	4,656	2,958	2,835
*Chemical Industries Association Limited	4,156	134	972	5,262	5,267	197	192	97	350	1,400	1,848	1,656	178
*Road Haulage Association Limited	1,945	37	3,239	5,221	5,856	4,705(d)	4,070	3,611	25	1,479	5,115	1,046	9,501
National Federation of Retail Newsagents	4,873	272	30	5,175	4,899	3,472	3,747	2,015	1,454	2,460	5,928	2,181	23,868
*British Jewellery and Giftware Federation	517	1,794	1,824	4,136	3,985	8,984(d)	9,135	944	9,524	552	11,020	1,885	1,970
Construction Confederation	1,496	91	2,492	4,079	4,135	5,871	5,815	4,904	455	2,380	7,739	1,924	8
Newspaper Society	3,307	228	51	3,586	3,555	1,876(d)	1,907	228	291	4,130	4,650	2,742	197
National Pharmaceutical Association Limited	2,533	178	738	3,448	3,162	2,438	2,725	1,173	1,456	1,646	4,274	1,549	5,518
Federation of Master Builders	2,784	94	385	3,263	3,175	2,333	2,421	3,073	1,200	248	4,522	2,100	14,634
*Association of Colleges	2,716	70	-	2,786	2,624	972	1,134	427	-	3,713	4,141	3,007	464
Paper Federation of Great Britain Ltd	1,377	10	1,208	2,595	2,630	1,209	1,175	1,382	-	569	1,951	776	61
*Society of London Theatre 'SOLT'	2,330	61	6	2,396	2,370	174(d)	200	2,430	-	3,343	5,772	5,573	96
Producers Alliance for Cinema and Television Ltd	2,000	62	3	2,065	1,745	680	1,000	81	395	1,018	1,493	494	1,070
*National Farmers Union of Scotland	1,524	198	325	2,047	1,999	801	849	154	918	294	1,367	518	12,267
Total for above Employers' Associations	78,721	15,300	112,432	206,454	201,500	165,925	170,878	68,976	108,225	92,581	269,783	98,904	234,593
Total for 79 other listed Employers' Associations	16,046	1,443	11,182	28,671	27,368	23,995	25,298	11,806	5,123	17,094	34,023	8,725	30,458
Total for 90 other unlisted Employers' Associations	9,538	655	3,498	13,692	13,271	10,307	10,727	4,312	3,635	8,012	15,958	5,231	10,096
Total for all Employers' Associations 1998	104,306	17,399	127,114	248,819	242,140	200,227	206,906	85,095	116,983	117,689	319,766	112,860	275,159
Total for all Employers' Associations 1997	99,440	11,962	124,387	235,789	222,052	187,655	201,392	83,122	111,668	102,224	297,014	95,622	273,837

\*Unlisted Employers' Associations

Notes - see previous page

## **Appendix 6**

**(see paragraph 5.3)**

### **Trade Unions Maintaining Members' Superannuation Schemes at 31 March 2000**

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

Amalgamated Engineering and Electrical Union

\*Associated Society of Locomotive Engineers and Firemen

GMB

Graphical Paper and Media Union (6 schemes )

\*Iron and Steel Trades Confederation

Manufacturing Science and Finance Union (2 schemes)

National Union of Flint Glass Workers

National Union of Knitwear Footwear and Apparel Trades

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

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

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

\*Transport and General Workers Union

## Appendix 7

(see paragraph 6.9)

### Mergers completed during the period 1 January 1999 to 31 March 2000

#### Trade Union Amalgamations

<i>Amalgamating Trade Unions</i>	<i>Forming</i>	<i>Amalgamation registered on</i>
Banking Insurance and Finance Union, UNIFI and NatWest Staff Association	UNIFI	11.5.99

#### Trade Union Transfers of Engagement

<i>Engagements transferred from</i>	<i>To</i>	<i>Transfer registered on</i>
Cabin Crew 89	Amalgamated Engineering and Electrical Union	19.3.99
Union of Royal and Sun Alliance Staff	NatWest Staff Association	26.4.99
Nielson Staff Association	Manufacturing Science and Finance Union	11.5.99
Lufthansa Staff Association UK	Manufacturing Science and Finance Union	28.9.99
Corporation of London Staff Association	Manufacturing Science and Finance Union	4.11.99
United Friendly Agents Association	Manufacturing Science and Finance Union	16.11.99
Britannic Supervisory Union	Manufacturing Science and Finance Union	30.11.99
National Union of Insurance Workers	Manufacturing Science and Finance Union	29.12.99
National League of the Blind and Disabled	Iron and Steel Trades Confederation	8.2.00

# Appendix 8

## Political Funds of Trade Unions, 1998

(See Paragraph 7.13)

	Number of Members contributing to the Political Fund	Number of Members exempt from contributing to the Political Fund	POLITICAL FUND (a)			
			Income	Expenditure	Fund at Beginning of Year	Fund at End of Year
	(b) (1)	(b) (2)	£ (3)	£ (4)	£ (5)	£ (6)
Amalgamated Engineering and Electrical Union	420,818	107,920	1,420,000	1,137,000	369,000	652,000
Associated Society of Locomotive Engineers and Firemen	14,168	553	66,261	47,729	46,529	65,061
Association of Her Majesty's Inspectors of Taxes	2,108	85	5,739	-	58,001	63,740
Association of University Teachers	33,922	882	29,337	37,636	76,309	68,010
Bakers Food and Allied Workers Union	28,040	12	61,731	53,403	12,796	21,124
Broadcasting Entertainment Cinematograph and Theatre Union	27,446	682	47,240	68,424	53,393	32,209
Ceramic and Allied Trades Union	18,441	236	95,185	43,448	234,229	285,966
Communication Workers Union	242,416	33,710	1,233,888	901,318	437,892	770,462
Connect; The Union for Professionals in Communications	9,722	7,023	29,658	27,450	11,698	13,906
Educational Institute of Scotland	48,262	1,732	82,412	5,078	292,454	369,788
Fire Brigades Union	42,140	9,923	162,338	98,621	188,314	252,031
General Union of Loom Overlookers	225	106	450	485	294	259
GMB	675,547	36,463	2,850,000	2,633,000	78,000	295,000
Graphical Paper and Media Union	71,734	131,495	368,850	332,588	572,735	608,997
Institution of Professionals Managers and Specialists	61,398	1,117	9,326	1,526	122,223	130,023
Iron and Steel Trades Confederation	26,460	6,401	151,813	133,715	53,657	71,755
Manufacturing Science and Finance Union	152,494	263,506	534,000	390,000	552,000 (c)	696,000
Midland Area Association of Colliery Officials	281	3	1,510	(1,925)	3,553	6,988
Musicians Union	27,710	863	38,895	30,891	11,754	19,758
National Association of Colliery Overmen Deputies and Shotfirers (d)						



	Number of Members contributing to the Political Fund	Number of Members exempt from contributing to the Political Fund	POLITICAL FUND (a)			
			Income	Expenditure	Fund at Beginning of Year	Fund at End of Year
	(b) (1)	(b) (2)	£ (3)	£ (4)	£ (5)	£ (6)
National Association of Schoolmasters and the Union of Women Teachers	141,660	879	72,458	186,921	116,043	1,580
National Association of Teachers in Further and Higher Education	52,266	9,598	64,198	82,673	30,101	11,626
National League of the Blind and Disabled	964	1,210	2,675	3,289	7,332	6,718
National Union of Domestic Appliances and General Operatives	2,250	3	1,294	1,215	1,473	1,552
National Union of Insurance Workers	6,556	1,266	9,555	18,567	85,139	76,127
National Union of Knitwear Footwear and Apparel Trades	31,836	328	111,843	102,073	86,856	96,626
National Union of Mineworkers	4,522	305	174,097	136,536	245,831	283,392
National Union of Mineworkers North Western Cheshire and Cumbria Miners Association	-	-	10,000	9,598	87	489
National Union of Rail Maritime and Transport Workers	55,692	778	222,000	199,000	118,000	141,000
Power Loom Carpet Weavers and Textile Workers Union	1,226	-	2,000	427	8,431	10,004
Prison Officers Association	29,047	516	26,100	-	-	26,100
Transport and General Workers Union	808,108	23,787	2,353,000	1,869,000	3,831,000	4,315,000
Transport Salaried Staffs Association	27,599	3,072	91,974	82,048	47,414	57,340
Union of Construction Allied Trades and Technicians	79,897	9,028	208,000	157,000	8,000	59,000
Union of Democratic Mineworkers	4,261	-	1,437	1,856	8,517	8,098
Union of Shop Distributive and Allied Workers	283,055	20,005	1,005,325	657,434	590,688	938,579
Union of Textile Workers	1,554	9	3,232	15,280	6,450	(5,598)
Unison: The Public Service Union	1,184,762	50,769	4,474,000	3,023,000	3,919,000	5,370,000
<b>Total for the 38 unions with political funds for 1998</b>	<b>4,618,587</b>	<b>724,265</b>	<b>16,021,821</b>	<b>12,486,304</b>	<b>12,285,193</b>	<b>15,820,710</b>
Total for the 40 unions with political funds for 1997	4,740,514	790,869	16,042,920	18,186,062	15,231,802	13,088,660

Notes:

- (a) The information in the table relates to the position at the end of 1998 and therefore to unions which were in existence at that times.
- (b) It should be noted that columns (1) and (2) do not necessarily add up to a union's total membership. This is because, in the case of some trade unions, total membership includes various classes of special category members (eg honorary, retired, unemployed) who are members under the union's rules but who are neither required to pay the political levy nor to seek formal exemption.
- (c) This figure has been changed from last year's report due to later information.
- (d) The annual return for 1998 was outstanding at the time of publication.

## Appendix 9

### Current statutory fees applicable from 1 April 2000

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

	Current Fee
Application for entry in the list of trade unions	£139
Application for entry in the list of employers' associations	£139
Application for entry in the list of an amalgamated organisation where each amalgamating organisation is already entered	£54
Application for approval of a change of name	£87
Application for a certificate of independence	£3,891
Application for formal approval of an instrument of transfer of engagements or an instrument of amalgamation	£1,950
Inspection of merger documents	£46

## Appendix 10

### Certification Office Publications

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

1. *Mergers: a guide to the statutory requirements for transfers of engagements and amalgamations of trade unions (2000)*
2. *Mergers: a guide to the statutory requirements for transfers of engagements and amalgamation of employers' associations (2000)*
3. *Guidance for trade unions wishing to apply for a certificate of independence (2000)*
4. *Guidance for trade unions and employers' associations wishing to establish a political fund (2000)*
5. *A guide to political fund review ballots (2000)*
6. *Financial Irregularities in trade unions and employers' associations. The approach of the Certification Officer in exercising his powers of investigation (2000)*
7. *Making a Complaint to the Certification Officer against a Trade Union (1999)*
8. *Annual Reports of the Certification Officer*