

CERTIFICATION OFFICE
FOR TRADE UNIONS AND EMPLOYERS' ASSOCIATIONS

**Annual Report
of the Certification Officer
2009-2010**

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The Rt Hon Dr Vince Cable MP
Secretary of State for Business, Innovation and Skills
1 Victoria Street
London SW1H 0ET

Ed Sweeney
Chair of ACAS
Advisory, Conciliation and Arbitration Service
Euston Tower
286 Euston Road
London NW1 3JJ

I am required by the Trade Union and Labour Relations (Consolidation) Act 1992 to submit to you both a report on my activities as Certification Officer during the previous reporting period. I have pleasure in submitting such a report for the period 1 April 2009 to 31 March 2010.

A handwritten signature in black ink, appearing to read 'David Cockburn', with a long horizontal line underneath it.

DAVID COCKBURN
The Certification Officer
30 June 2010

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Introduction

This is the thirty-fourth Annual Report to be published since the post of Certification Officer was established in 1975. It deals with my activities during the period 1 April 2009 to 31 March 2010.

The functions of the Certification Officer are contained in the Trade Union and Labour Relations (Consolidation) Act 1992 (as amended) (referred to in this report as “the 1992 Act” or “the Act”). They include responsibility:

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

under Part I, Chapter III – for dealing with complaints by members that a trade union has failed to maintain an accurate register of members or failed to permit access to its accounting records; for seeing that trade unions keep proper accounting records, have their accounts properly audited and submit annual returns; for the investigation of the financial affairs of trade unions; for ensuring that the statutory requirements concerning the actuarial examination of members’ superannuation schemes are observed; and for dealing with complaints that a trade union has failed in its duty to secure that positions in the union are not held by certain offenders;

under Part I, Chapter IV – for dealing with complaints by members that a trade union has failed to comply with one or more of the provisions of the Act which require a trade union to secure that its president, general secretary and members of its executive are elected to those positions in accordance with the Act;

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; or relating to the constitution or proceedings of an executive committee or decision making meeting; and

under Part II – for maintaining a list of employers’ associations; for ensuring compliance with the statutory requirements concerning accounting records, annual returns, financial affairs and political funds; and for ensuring that the statutory procedures applying to amalgamations and transfers of engagements in respect of employers’ associations are followed.

As in each Annual Report, I give details of the membership of trade unions as reported to me in the relevant period. The number of trade union members recorded in the Annual Returns received in 2009-2010 is 7,387,898. This represents a decrease of 268,258 or 3.5% over the membership recorded in my last Annual Report. This significant decrease in union members number brings to an end a period of small increases reported in the last three annual reports. Within these figures, the number of non-contributing members has decreased from 8.6% to 7% of total members.

Continuing the trend which has now been uninterrupted since 1983, the total number of trade unions and employers’ associations has again decreased over the most recent reporting period. In 1983 there were 502 trade unions and 375 employers’ associations. At the end of this reporting year there were 180 trade unions and 128 employers’ associations. In this period, seven trade unions and seven employers’ associations ceased to exist. Four unions ceased to exist by reason of having merged and three were dissolved.

Over the past year 50 complaints were determined. Of these, 28 complaints alleged that a union had breached its own rules. The other 22 related to breaches of statutory provisions. Amongst the cases that generated the most interest were two cases challenging the election of Mr Derek Simpson as Joint General Secretary of Unite, brought by Mr Roger Lyons and Mr Fleming-Cooney. Both were unsuccessful. Mr Fleming-Cooney’s appeal to the EAT was also unsuccessful. Another case of general interest was the case brought by Mr Arthur Scargill against the NUM regarding a national election within the union. Mr Scargill was partly successful before me and I ordered that a ballot be re-run. Mr Scargill appealed to the EAT on the points that he lost but his appeal was unsuccessful. I also determined one complaint relating to the political funds of trade unions. I found that UNISON had incurred expenditure on a political purpose that had not been made from its political fund.

During this reporting year, copies of all the decisions made by my predecessors as Certification Officer since 1975 have been made available on the Certification Office website www.certoffice.org. Previously only those decisions made since 2001, and a few selected earlier decisions, were available on the website.

I should caution readers that this Annual Report does not contain complete information on the spending from the political funds of trade unions in relation to the general election held on 6 May 2010. This is because my Report relates to those annual returns received from unions up to 31 March 2010 which mainly cover the period October 2008 to September 2009 (see paragraph 4.1).

The Advisory, Conciliation and Arbitration Service (Acas) is responsible for providing me with the finance and support services necessary for the performance of my statutory duties. This in no way affects my independence from both Acas and the Secretary of State for Business, Innovation and Skills.

Mr Gerard Walker and Ms Christine Stuart continued to hold their appointments as Assistant Certification Officer and Assistant Certification Officer for Scotland respectively. Mr Whybrew continues as an Assistant Certification Officer to determine those complaints in which it is appropriate that I recuse myself. On 31 March 2010 there were eight staff in post in the Certification Office. The net cost of the Office for the year ending 31 March 2009 was £701,000. This includes a figure of £41,000 for the replacement of the Certification Officer's database. My salary as Certification Officer at 31 March 2010 was £73,020 for a three-day week. This sum is pensionable at an additional cost to the public purse of £16,269. It is taxed under PAYE.

Accounts relating to the activities of the Certification Office, prepared under section 258 of the 1992 Act, are published separately by order of the House of Commons. In broad terms it is estimated that about 51% 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, 43% to work relating to complaints and trade union finances and the remainder to other matters including political funds, certification of independence and mergers.

Where it is necessary to hold a hearing to determine a complaint, the Certification Officer can make payment towards the expenses incurred by the complainant and their witnesses in attending the hearing. During the period under review such payments amounted to £1,787.25. Assistance with legal costs is not available.

Advice and contacts for information

The Office receives many enquiries and requests for guidance from trade unions, employers' associations and their members. Often we can help but there are constraints on the advice that can be given. It is for example inappropriate, unless the law requires it, to give guidance on, or prior approval to, a specific course of action in those areas where complaints can be made to me by an individual member. It would also be clearly inappropriate for my Office to comment on the merits of a possible complaint. Where a complaint is made, I have to investigate it and decide it impartially on the facts of the case and in the light of the representations made by the parties concerned. I and my staff must avoid giving advice which might seem in any way to prejudice that impartiality. That said, the Office is happy to assist where it can and guidance booklets covering different aspects of the Certification Officer's responsibilities are available on the Certification Officer's website www.certoffice.org or in hard copy format free of charge. They are listed in Appendix 11 and requests for further information on any aspect of the Certification Officer's duties should be made to the Certification Office, 22nd Floor, Euston Tower, 286 Euston Road, London, NW1 3JJ, tel: 020 7210 3734, e-mail: info@certoffice.org. The guidance booklets and other information are also available on the website.

1

Lists of Trade Unions and Employers' Associations

Any trade union or employers' association may apply to have its name included in the public lists maintained by the Certification Officer. This chapter sets out the background to that process. It also gives the numbers on the lists at 31 March 2010 and the changes that have occurred during the previous twelve months. The lists are set out in full in Appendix 1 (trade unions) and Appendix 2 (employers' associations).

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 Trade Union and Labour Relations (Consolidation) Act 1992 ("The 1992 Act").
- 1.2 Listing is voluntary and any organisation of workers or of employers may apply to be listed. A fee is payable on application (see appendix 10 for the statutory fee). The name of the organisation shall be entered in the relevant list if the Certification Officer is satisfied that it falls within the appropriate definition in the 1992 Act (see paragraphs 1.20 and 1.21). Entry in the list is a relatively simple process but it is not automatic. The Certification Officer will test whether the organisation satisfies the statutory definition. There are simplified provisions for the listing of a trade union formed by the amalgamation of two or more trade unions which were already on the list (see paragraph 1.6). 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 on a point of law to the Employment Appeal Tribunal (EAT).
- 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. There are a number of other advantages of being listed for trade unions and unincorporated employers' associations. It is one of the requirements for obtaining tax relief in respect of expenditure on provident benefits (section 467 of the Income and Corporation Taxes Act 1988). There are certain procedural advantages in connection with the devolution of property following a change of trustees (section 13 of the 1992 Act). The fact of being on the relevant list is evidence (in Scotland, sufficient evidence) that the organisation is a trade union or employers' association. The name of a trade union or employers' association is protected by the provision that an organisation shall not be entered in the relevant list if its name so nearly resembles the name of an organisation already on that list as to be likely to deceive the public.

- 1.5 The current lists are available for inspection free of charge at the Certification Office, 22nd Floor, Euston Tower, 286 Euston Road, London NW1 3JJ. 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, Melrose House, 69a George Street, Edinburgh EH2 2JG. They also appear on the website of the Certification Officer, www.certoffice.org.

Unions formed by amalgamation

- 1.6 The 1992 Act provides that a union formed by the amalgamation of two or more listed unions shall automatically be listed by the Certification Officer when the instrument of amalgamation takes effect. The newly amalgamated union shall, however, be removed from the list if it does not send certain prescribed information to the Certification Officer within six weeks of the date the instrument of amalgamation takes effect or such longer period as the Certification Officer may specify. The information to be sent to the Certification Officer is a copy of the rules of the new union, a list of its officers and the address of its head or main office, together with the prescribed fee (see Appendix 10).

Trade unions and employers' associations not on the lists (scheduled bodies)

- 1.7 As entry on the lists is voluntary, it is difficult to know precisely how many trade unions and employers' associations exist but have not applied to be listed. In addition to the listed organisations the Certification Officer was aware of 17 trade unions and 63 employers' associations which met the statutory definitions but which had not sought to be listed as at 31 March 2010. The Certification Officer maintains schedules to the relevant lists, which contain the names of those organisations which satisfy the statutory definition of a trade union or employers' association but which have not applied to be listed. There may be other organisations which meet the statutory definitions of a trade union or employers' association of which the Office is unaware. The fact that an organisation is not on the relevant list does not exempt it from its statutory responsibilities, including the requirement to make an annual return. The returns from the scheduled bodies are available for inspection in the same way as are those of listed organisations. Those trade unions and employers' associations known to the Office but which have not applied to be included in the relevant lists are set out in the schedules to Appendices 1 and 2 respectively.
- 1.8 During the year, the Office approached two organisations which it was thought might be trade unions or employers' associations and of which it was previously unaware. The Certification Officer has determined that the Workers of England is a Trade Union and has therefore included it in the schedule of trade unions held by the Certification Officer. The Certification office is continuing its enquiries with the Professional Cabin Crew Council.

Removal from the lists and schedules

- 1.9 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 its name may be removed from the list. The organisation concerned will be given an opportunity to make representations as to why its name should not be removed.

There is a right of appeal to the EAT on a point of law 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.

- 1.10 The table below gives the names of the seven trade unions and seven employers' associations removed from the lists and schedules during the period 1 April 2009 to 31 March 2010. An asterisk denotes those which ceased to exist as a result of mergers. The others were dissolved or deemed no longer to meet the statutory definition of a trade union or employers' association.

Trade Unions

England and Wales – Listed

Association of Licensed Aircraft Engineers (1981)*
Connect; The Union for Professionals in Communications *
Professional Association of Cabin Crew Employees
Scarborough Building Society Staff Association*
UBAC *

England and Wales – Scheduled

Ice Hockey Players Association (Great Britain)
Society of Registration Officers (Births, Deaths and Marriages)

Scotland – Listed

None

Scotland – Scheduled

None

Employers' Associations

England and Wales – Listed

East of England Regional Assembly
The Yorkshire Glass Manufactures Association

England and Wales – Scheduled

Corrugated Packaging Association
Felt Roofing Contractors Employers' Association
Sheffield Spoon and Fork Blank Manufacturers' Association
Tobacco Industry Employers' Associations

Scotland – Listed

None

Scotland – Scheduled

Scottish Wholesale Association

Additions to the lists and schedules

- 1.11 The table below gives the names of the three trade unions and two employers' associations added to the lists and schedules during the period 1 April 2009 to 31 March 2010.

Trade Unions

England and Wales – Listed

Door Supervisors Union

England and Wales – Scheduled

Workers of England

Scotland – Listed

Association of College Staff Scotland

Scotland – Scheduled

None

Employers' Associations

England and Wales – Listed

East of England Local Government Association

England and Wales – Scheduled

British Printing Industries Federation Ltd

Scotland – Listed

None

Scotland – Scheduled

None

The lists and schedules at 31 March 2010

- 1.12 As required by sections 2 and 123 of the 1992 Act, this report includes the names of those trade union and employers' associations on the lists as at 31 March 2010. They are reproduced as Appendices 1 and 2. The lists at 31 March 2010 comprised 163 trade unions and 65 employers' associations.

Changes during the year are summarised in the table below:

	<i>On lists at 31 March 2009</i>	<i>Changes between 1 April 2009 and 31 March 2010</i>		<i>On lists at 31 March 2010</i>
		<i>Additions</i>	<i>Removals</i>	
Trade Unions	166	2	5	163
Employers' Associations	66*	1	2	65

1.13 As at 31 March 2010 there were 17 trade unions on the schedule of unlisted unions and 63 employers' associations on the schedule of unlisted associations. The total number of listed and scheduled trade unions and employers' associations is, therefore, as follows:

	<i>Listed</i>	<i>Scheduled</i>	<i>Totals</i>
Trade Unions	163 (166)	17 (18)	180 (184)
Employers' Associations	65 (66)*	63 (67)*	128 (133)

The figures in brackets are the equivalent figures in the previous reporting year.

Special register bodies

1.14 Under the Industrial Relations Act 1971, a special register was established for the registration of organisations which were either companies or incorporated by charter or letters patent and which took part in collective bargaining on behalf of their members. These were mainly professional bodies.

1.15 The Trade Union and Labour Relations Act 1974 provided that trade unions could no longer have corporate status. However, it also provided for an exception to preserve the position of those bodies which were already on the special register.

1.16 The statutory requirements affecting trade unions in the 1992 Act take account of the corporate status of these bodies and their other activities. Special register bodies are also exempt from the requirement to conduct elections for the posts of president and general secretary. However, the voting members of the executive committee of special register bodies must be elected in accordance with the statutory provisions.

*The figure of 67 listed unions entered in the CO's annual report for 2008-09 was incorrect. The British Printing Industries Federation Ltd, a scheduled body, was incorrectly recorded as a listed employers' association. It has now been entered on the schedule.

1.17 The following 13 special register bodies remain on the list of trade unions:

Association of Clinical Biochemistry
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 Chiropractors and Podiatrists
Society of Radiographers

Changes of name of listed trade unions and employers' associations

1.18 Sections 107 and 134 of the 1992 Act provide that a change of name of a listed trade union or employers' association must be approved by the Certification Officer before it can take effect. During the reporting period approval was given to the changes of name of six listed trade unions and two employers' associations, the details of which are given in the table below:

<i>Trade Unions</i>		<i>Effective Date</i>
<i>From</i>	Cheshire Building Society Staff Association	
<i>To</i>	Cheshire Group Staff Union	28 May 2009
<i>From</i>	Cheshire Group Staff Union	
<i>To</i>	One Union for Regional Staff (O.U.R.S)	20 August 2009
<i>From</i>	Immigration Service Union	
<i>To</i>	ISU	06 August 2009
<i>From</i>	Nautilus UK	
<i>To</i>	Nautilus International	05 May 2009
<i>From</i>	Professional Rugby Players Association	
<i>To</i>	The Rugby Players Association	24 November 2009
<i>From</i>	Skipton Staff Association	
<i>To</i>	SURGE (Skipton Union Representing Group Employees)	5 January 2010

Employers' Associations

From Screen Printing (UK) Ltd
To SPA (UK) Limited t/a prism 13 October 2009

From West Midlands Local Government Association
To West Midlands Leaders Board 12 November 2009

Definition of a trade union

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

“In this Act, a “trade union” means an organisation (whether temporary or permanent) –

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

(b) which consists wholly or mainly of –

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

(ii) representatives of such constituent or affiliated organisations,

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

Definition of an employers' association

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

“(1) 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.

(2) *References in this Act to employers' associations include combinations of employers and employers' associations."*

2

Trade Union Independence

A trade union which is on the list of trade unions may apply for a certificate of independence. Independence is defined as meaning independence from an employer or group of employers. This chapter discusses independence and explains how such applications are dealt with and their outcome.

The statutory provisions

2.1 Section 5 of the Trade Union and Labour Relations (Consolidation) Act 1992 (“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 group of employers or of one or more employers' associations; and*
- (b) *is not liable to interference by an employer or any such group or association (arising out of the provision of financial or material support or by any other means whatsoever) tending towards such control”.¹*

2.2 The procedure for determining the independence of trade unions is provided for in section 6 of the 1992 Act. A union must be listed (see Chapter 1) before it can apply for a certificate of independence. A fee is payable on application (see Appendix 10). The Certification Officer keeps a public record of all applications for such certificates and their outcome. He may not take a decision on an application until at least one month after it has been entered in the record. A notice that an application has been received is normally published in the London Gazette and/or the Edinburgh Gazette as appropriate and included in the ‘What’s New’ page of the Certification Officer’s website, www.certoffice.org. The Certification Officer must take into account any relevant information submitted by any person and is required to give reasons if a certificate of independence is refused. A union which has been refused a certificate of independence has a right of appeal on a point of law to the Employment Appeal Tribunal (EAT).

2.3 Where two or more trade unions, each with a certificate of independence, amalgamate, a certificate of independence will automatically be issued to the new union when the instrument of amalgamation is registered by the Certification

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

Officer. The newly amalgamated union will, however, have its certificate of independence removed if it does not send certain prescribed information to the Certification Officer within six weeks of the date the amalgamation takes effect or such longer period as the Certification Officer may specify. The information to be sent to the Certification Officer is a copy of the rules of the new union, a list of its officers and the address of its head or main office, together with the prescribed fee (see Appendix 10).

- 2.4 The Certification Officer may withdraw a certificate of independence 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 on a point of law to the EAT.
- 2.5 Once the Certification Officer has determined that a trade union is independent and has issued a certificate, that certificate remains valid until it is withdrawn by the Certification Officer or is cancelled. This applies even to certificates issued under legislation in force prior to its consolidation into the 1992 Act.
- 2.6 The Act provides that, where a question as to the independence of a particular union arises in proceedings before the courts, employment tribunals, Central Arbitration Committee or the Employment Appeal Tribunal, and no certificate has been issued or refused, those proceedings may not continue until that question has been decided by the Certification Officer. The granting of a certificate by the Certification Officer, or its refusal, is conclusive evidence for all purposes that the union is or, as the case may be, is not independent.

Criteria

- 2.7 The principal criteria which have been 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*. These appear under the headings: history, membership base, organisation and structure, finance, employer-provided facilities and negotiating record. Copies of the booklet are available on request from the Certification Office and it can be found on the Certification Officer's website. The Certification Officer's decision is strictly bound by the statutory definition, having regard to the circumstances as a whole. Other considerations, such as the effect the issue of a certificate might have on employment relations, may not be taken into account.

Applications, decisions, reviews and appeals

- 2.8 During the period one certificate of independence was issued. This was to Workers Uniting. The certificate was issued on 4 September 2009.
- 2.9 No formal reviews of existing certificates of independence were undertaken during the period.
- 2.10 Four certificates of independence were cancelled because the unions concerned

ceased to exist, three of which were as the result of mergers. These were the certificates of the following unions:

Association of Licensed Aircraft Engineers (1981)*

Connect; the Union for Professionals in Communications*

Professional Association of Cabin Crew Employees

UBAC*

(*the unions marked with an asterisk ceased to exist as the result of mergers)

2.11 On 31 March 2010 there were 114 unions which held certificates of independence.

Annual Returns, Financial Irregularities and Access to Accounting Records

This chapter deals with the requirements for trade unions and employers' associations to keep proper accounting records and to submit annual returns to the Certification Officer. It also deals with the provisions relating to the investigation of the financial affairs of trade unions and employers' associations and with the provisions giving union members a right of access to accounting records.

The statutory provisions

- 3.1 Sections 28 and 131 of the Trade Union and Labour Relations (Consolidation) Act 1992 ("the 1992 Act" or "the Act") provide respectively that every trade union and every employers' association (except those which consist wholly or mainly of representatives of constituent or affiliated organisations) must keep proper accounting records in respect of its transactions, assets and liabilities. Each such trade union or employers' association must establish and maintain a satisfactory system of control of its accounting records, its cash holdings and all its receipts and remittances. The accounting records kept must be such as are necessary to give a true and fair view of the state of affairs of the organisation and to explain its transactions.
- 3.2 Under sections 32 and 131 of the Act such an organisation (unless it has been in existence for less than 12 months) is also required to submit an annual return to the Certification Officer in the form prescribed. The return is to include revenue and other accounts and a balance sheet, which must give a true and fair view of the matters to which they relate. The return must also give details of the salary and other benefits paid to each member of the executive, the president and the general secretary (see paragraph 4.15). 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 by the trade union or employers' association must normally 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. Those federated bodies which are composed of representatives of trade unions or employers' associations are exempt from certain provisions of the Act, including the duty to supply a copy of their rules, to keep accounting records and to submit annual returns. The same does not apply to those federated bodies which are composed of constituent or affiliated organisations.

- 3.4 It is not the responsibility of the Certification Officer to determine whether an organisation is financially viable but to ensure that accounts in the prescribed form covering all funds administered by the organisation are available for public inspection.
- 3.5 The Act requires trade unions and employers' associations to submit before 1 June each year a return of their financial affairs covering the year ending the preceding 31 December. However, the Certification Officer may direct that the return is to relate to a different annual period. This is usually done if the normal timetable would cause serious inconvenience to the organisation concerned.
- 3.6 The annual return must include a copy of the auditor's report on the accounts. Under section 34 of the 1992 Act, a person is qualified to act as auditor of a trade union or employers' association's accounts if he or she is eligible for appointment as a company auditor under Part 42 of the Companies Act 2006 ("Statutory auditors"). 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, paragraphs 1.14 to 1.17) or an employers' association may have its accounts audited by someone who is not a Companies Act auditor if its receipts and payments do not in aggregate exceed £5,000, the value of its assets is less than £5,000 and it has less than 500 members. If any one of these conditions is not satisfied, it must use a Companies Act auditor.
- 3.8 The auditor must state whether, in his or her opinion, the accounts give a true and fair view of the matters to which they relate. The auditor has a duty to carry out such investigations as will enable an opinion to be formed on whether proper accounting records have been kept, whether a satisfactory system of control has been maintained and whether the accounts are in agreement with the accounting records. If in the opinion of the auditor the statutory requirements have not been satisfied or the union or employers' association has failed to supply all the necessary information and explanations the auditor must say so in the report by way of qualification.
- 3.9 Three returns received by the Certification Office during this reporting period (1.0% of total returns received) contained audit reports in which the auditors gave a qualified opinion as to whether the return gave a true and fair view. The Certification Officer has made enquiries of the three organisations concerned in order to get an explanation for the qualification and an assurance that action will be taken to ensure such qualifications are not necessary in the future. Satisfactory assurances were received in relation to two of the qualifications.
- 3.10 At the end of the previous reporting period, enquiries were continuing into the qualified auditor's report in the Annual Return of the UDW. These enquiries were concluded to the satisfaction of the Certification Officer. However, the Annual

Return of the UDW submitted during this reporting period also contained a qualified auditor's report. Enquiries into this were continuing at the end of this reporting period.

- 3.11 To avoid the duplication of broadly similar financial statements, the Certification Officer allows a special register body (see Chapter 1 of this Report, paragraphs 1.14 to 1.17) or an employers' association incorporated under the Companies Acts, to submit with its return, in lieu of the completion of certain pages in the return form, a copy of its accounts prepared under the Companies Acts provided the period covered is the same and there is no significant diminution in the degree of disclosure. In such circumstances, however, and notwithstanding anything in the Companies Acts, an auditor's report for the purposes of the 1992 Act is still required.
- 3.12 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 an inspector to investigate allegations of financial irregularities in the affairs of a trade union or employers' association. (See paragraph 3.18 below).

Late submission of returns

- 3.13 The 1992 Act requires an organisation to submit an annual return to the Certification Officer before 1st June in the calendar year following the year to which the annual return relates. For most organisations (72%), their financial year coincides with the calendar year and ends on 31 December, but others differ. By 31 March 2010, 97.8% of all due returns had been received including the returns of trade unions representing an estimated 99.9% of the members of all trade unions which are listed or scheduled. The annual returns of 18.8% of organisations were submitted more than three months after their due date. The annual returns for the following organisations were outstanding by more than three months and had still not been submitted at 31 March 2010.

Trade Unions

England and Wales

The Industrial Workers of the World (IWW) – British Isles
Leicestershire Overmen Deputies and Shotfirers Association
National Union of Mineworkers (Colliery Officials and Staffs Area)

Scotland

None

Employers' Associations

England and Wales

None

Scotland

Argyll Building Trades Employers Association
Ayrshire and South West Association of Scottish Building Employers Federation
Dumbarton and District Master Wrights and Builders Association
Edinburgh and District Master Builders Association
Forth Valley Building Trades Employers Association
Grampian Building Employers Association
Highland Building Employers Association
Scottish Building – Dundee and Angus
Scottish Building – Fife Association
Scottish Building – Moray District
Scottish Building – Perth and District
Scottish Building Federation – Renfrewshire and Inverclyde Association
Scottish Building Glasgow and District Association
Scottish Building Orkney
Scottish Master Slaters and Roof Tilers Association
Scottish Wholesale Association
Western Isles Building Employers' Association

The Certification Officer continues to seek full compliance with the statutory requirements and will take steps to improve the performance of those organisations which consistently submit late annual returns.

Prosecution

3.14 No prosecutions for failure to submit a return were initiated during this period.

Statement to members

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

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

The statement must also give the name and address of the auditor, set out in full the auditor's report and should not contain anything which is inconsistent with the

contents of the annual return. Members must also be told how they can complain should they be concerned that some irregularity is occurring or has occurred in the financial affairs of the trade union. The Act is specific about how this must be done and the wording of the prescribed statement is reproduced below.

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

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

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

A model statement and guidance are available on the Certification Officer’s website, www.certoffice.org.

- 3.16 It is not a requirement that the statement to members is distributed individually. As an alternative, unions may use *“any other means... which it is the practice of the union to use when information of general interest to all its members needs to be provided to them.”*
- 3.17 Trade unions have in the main readily complied with the requirement to provide members with a statement which contained the required information and met the statutory timescale. The Certification Officer will endeavour to ensure that full compliance with the Act is maintained.

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

- 3.18 The 1992 Act allows the Certification Officer to investigate the financial affairs of almost all trade unions and employers’ associations (exceptions being in respect of federated employers’ associations and trade unions made up wholly or mainly of representatives of constituent affiliated organisations and in respect of organisations that have been in existence for less than twelve months). 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, the Certification Officer may appoint an inspector to investigate the organisation’s financial affairs and to report on them. The Certification Officer may only appoint an inspector 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.

- 3.19 Information suggesting circumstances where one or more of the situations described in paragraph 3.18 have occurred may come to the Certification Officer's attention from a variety of sources including, for example, from members who query information supplied by the union in its statement to members. In addition, the Certification Officer's staff monitor references in the media for situations which suggest that such circumstances may exist in the financial affairs of a trade union or employers' association.
- 3.20 Not all the information received by my Office is of sufficient merit to warrant any approach to the body concerned. Where an approach is warranted, the matter is frequently resolved either through correspondence between the Office and the parties concerned or by means of informal meetings with the body or the individual or a combination of these methods.
- 3.21 At the end of the last reporting year one enquiry was outstanding, concerning Unite the Union (TGWU Section). Enquiries concerning the GMB and the Portman Group Staff Association (now part of the Nationwide Group Staff Union) were suspended pending police enquiries/civil proceedings.
- 3.22 In the case of Unite the Union the Certification Officer's enquiries were concluded satisfactorily and no further action was necessary. In the case of the Nationwide Group Staff Union the police were involved and a criminal prosecution ensued. The Certification Officer concluded his enquiries into the matter. The office remained in contact with the solicitors acting for the GMB during the course of this reporting period and the Certification Officer's enquiries remain open.
- 3.23 In the period 1 April 2009 to 31 March 2010 concerns were raised about particular aspects of the conduct of the financial affairs of four trade unions: Solidarity, UNISON, the Association of Professional Ambulance Personnel (APAP) and the National Association of Colliery Overmen, Deputies and Shotfirers (South Wales Area). The enquiries of Solidarity and NACODS (South Wales Area) concluded with no further action being required. At the end of this reporting period enquiries with UNISON and APAP remained outstanding.
- 3.24 Also in this period concerns were raised with the Certification Officer concerning an employers' association, the Showmen's Guild of Great Britain. The Certification Officer suspended his enquiries pending the outcome of a police investigation which had not concluded at the end of the reporting period.

- 3.25 Where the Certification Officer concludes his enquiries regarding a possible financial irregularity which has been raised by a union member and decides not to appoint an inspector, he must notify that member of his decision and, if he thinks fit, will also give his reasons. In this reporting period both of the concluded issues arose from members concerns.
- 3.26 During this reporting period the Certification Officer did not find it necessary to use his powers under section 37A of the 1992 Act to require documents to be produced by any trade union.

Public inspection of annual returns

- 3.27 Copies of the annual returns and the rules of current 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 (at the National Archive) are the earlier annual returns, accounts, copies of rules and other documents submitted for the purposes of:
- (a) the Trade Union Acts 1871 to 1964;
 - (b) the Industrial Relations Act 1971; and
 - (c) the Trade Union and Labour Relations Act 1974.
- 3.28 The annual returns of trade unions and employers' associations submitted in this reporting period along with those submitted since 2003 are available on the Certification Officer's website.

Access to accounting records

- 3.29 Section 30 of the 1992 Act provides a member of a trade union with a right of access to any accounting records of the union which are available for inspection. Where a member claims that a trade union has failed to comply with his or her request for access to the trade union's accounting records under section 30 of the Act, the member has the option of applying to the court or to the Certification Officer under section 31 of the 1992 Act. The Certification Officer may not consider an application if the claimant 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.
- 3.30 On application to him, the Certification Officer is required to make such enquiries as he thinks fit and give the claimant and the trade union an opportunity to be heard. On receipt of an application the Certification Officer will determine it within six months of it being made, so far as reasonably practicable.
- 3.31 If the Certification Officer decides that the complaint is well-founded he is required to make such orders as he considers appropriate for ensuring that the claimant:-

- (a) is allowed to inspect the records requested;
- (b) is allowed to be accompanied by an accountant when making the inspection of those records; and
- (c) is allowed to take, or is supplied with, such copies of, or of extracts from, the records he may require.

3.32 An order made by the Certification Officer under this section may be enforced in the same way as an order of the court.

Applications and complaints received 1 April 2009 to 31 March 2010

3.33 In the period 1 April 2009 to 31 March 2010 the Certification Officer received one such complaint which was against the National Union of Teachers. The complaint outstanding from the previous reporting period against Solidarity was concluded. Both complaints were dismissed on withdrawal by the claimants (Haynes, Potter, Mullen and McLinden v Solidarity D/37-44/09) and O’Hanlon v National Union of Teachers (No. 2) D/9/10).

3.34 Sections 28 to 30 of the 1992 Act do not define “accounting records”. However the Certification Officer has considered this matter in three earlier cases Mortimer v Amicus (D/1/03); Foster v Musicians Union (D/13-17/03) and Lee v NASUWT (D/3/06).

3.35 A copy of the decisions in Haynes, Potter, Mullen and McLinden v Solidarity and O’Hanlon v National Union of Teachers (No. 2) and the three decisions mentioned in paragraph 3.34, together with copies of all decisions of the Certification Officer, are available free of charge from the Certification Office and all decisions are available on the Certification Officer’s website.

Financial and Membership Information and Membership Register

This chapter identifies changes in the membership levels, income and expenditure of both trade unions and employers' associations between the figures reported last year and those reported in the current reporting year. It also covers the jurisdiction of the Certification Officer to determine complaints about the maintenance of trade unions' membership registers.

Annual Returns received in 2009-2010

- 4.1 The information in this chapter is derived from the annual returns received during the reporting period. Statistical information is given at Appendices 4, 5, 6 and 9. That information and the following comments in this chapter relate to those unions whose annual returns were due, and received, in this office between 1 April 2009 and 31 March 2010. Unions and employers' associations must submit their annual returns to the Certification Office within five months of the end of their accounting year. This results in the information contained in my annual report being abstracted from annual returns which cover accounting periods ending between October 2008 and September 2009. However, the majority (72%) of returns are for unions or employers' associations with accounting periods ending 31 December 2008.
- 4.2 A total of 308 organisations submitted returns for this period. These were made up as follows:
- | | |
|-----|-----------------------------------|
| 162 | Listed trade unions |
| 17 | Scheduled trade unions |
| 67 | Listed employers' associations |
| 62 | Scheduled employers' associations |

For the difference between listed and scheduled organisations see paragraph 1.7.

Trade unions: numbers and membership

- 4.3 Appendix 4 contains a summary of the statistics concerning the membership and finances of trade unions recorded in the annual returns received during 2009-2010. Details are shown for the 14 trade unions with more than 100,000 members.
- 4.4 The statistics in Appendix 4 are based on returns from 179 listed and scheduled unions: six less than reported for listed and scheduled unions in the Annual Report for 2008-2009.

4.5 The trade unions from which returns were received, recorded a total membership of 7,387,898. The major unions, with a membership of over 100,000, accounted for 6,290,083 members or 85.1% of the total. Returns received in the period show the distribution of trade union membership by size is as follows:

Trade unions: distribution by size

<i>Number of Members</i>	<i>Number of Unions</i>	<i>Membership</i>	<i>Number of Unions</i>		<i>Membership of all Unions</i>	
			<i>Per cent</i>	<i>Cumulative Per cent</i>	<i>Per cent</i>	<i>Cumulative Per cent</i>
Under 100	35	986	19.6	19.6	0.0	0.0
100-499	30	8,480	16.8	36.3	0.1	0.1
500-999	22	15,807	12.3	48.6	0.2	0.3
1,000-2,499	17	29,955	9.5	58.1	0.4	0.7
2,500-4,999	21	74,239	11.7	69.8	1.0	1.7
5,000-9,999	11	80,019	6.1	76.0	1.1	2.8
10,000-14,999	4	55,509	2.2	78.2	0.8	3.6
15,000-24,999	8	159,980	4.4	82.7	2.2	5.7
25,000-49,999	15	531,433	8.4	91.1	7.2	12.9
50,000-99,999	2	141,407	1.1	92.2	1.9	14.8
100,000-249,999	6	930,967	3.4	95.5	12.6	27.4
250,000 and over	8	5,359,116	4.5	100.0	72.5	100.0
Total	179	7,387,898	100		100	

4.6 The recorded trade union membership of 7,387,898 in 2009-10, compares to 7,656,156 reported in the previous period. This indicates a decrease of 268,258 members or -3.5%. The total recorded membership of around 7.4 million compares with a peak of 13.2 million in 1979.

4.7 The following table shows unions whose membership has increased or decreased by 10,000 or more since the previous reporting period.

Trade Union: Changes in Membership

	<i>Total Membership (000's)</i>		
	<i>2007-2008</i>	<i>2008-2009</i>	<i>% changes</i>
<i>Increases</i>			
Union of Shop Distributive and Allied Workers	356	370	+3.9
GMB	590	601	+1.9
UNISON: The Public Services Union	1,344	1,362	+1.3
<i>Decreases</i>			
Unite the Union	1,952	1,635	-16.2

4.8 The annual returns submitted by unions to the Certification Officer require each union to provide figures for both total membership and members who pay contributions. There can be significant differences between these figures. This is usually the result of total membership figures including retired and unemployed members, members on long term sick and maternity/child care leave and those on career breaks. The returns submitted by unions during this reporting period show that the total number of contributing members was around 7% less than the figure for total membership, compared to 8.6% in the preceding year.

Membership register

4.9 A trade union has a duty to maintain a register of the names and addresses of its members and a duty, so far as reasonably practicable, to 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, to ascertain from the register, free of charge, whether there is an entry on it relating to him or her. An application that a trade union has failed to comply with the requirements of section 24 of the 1992 Act can be made to either the Certification Officer or the court.

4.10 During the period 1 April 2009 to 31 March 2010 the Certification Officer received no complaints concerning the maintenance of the register of members' names and addresses.

Finance

4.11 Trade union income derives mainly from membership subscriptions and income from investments. There may also be additional income and/or assets arising if, for example, a union accepts the transfer of engagements of another union. The figures given at Appendix 4 include both general and other funds where applicable, e.g. contingency, superannuation and political funds. Additionally, political funds are shown separately in Appendix 9.

- 4.12 From the returns received during this reporting period, the figures show that the gross income of trade unions was £1,041.69 million, an increase of 0.1% on that recorded by unions the previous year. Income from members rose by 10.1% to £813.43 million. Income from investment fell by (19.9%) and income from other sources fell by 25.3%.
- 4.13 Gross expenditure by unions during this reporting period rose by 37.9% to £1,239.33 million, while at the end of the reporting period total funds (net assets) amounted to £939.07 million, a decrease of 17.2% over the previous period.

Salaries and benefits

- 4.14 Trade unions are required to include in their annual returns to the Certification Officer information about the salaries and benefits paid to certain of their national officers and executive members from the organisation's funds. For the purpose of the annual return, benefits are defined as being a) those designated as a taxable benefit by Her Majesty's Revenue and Customs; b) pension/superannuation arrangements; and c) redundancy and other termination payments. The Certification Officer requires that all benefits paid from the funds of the union are reported, whether such funds are maintained at national or other level. Information from trade union annual returns received in the reporting period showed that 9% of unions paid a salary to their general secretary of over £100,000; 24% paid between £60,001 and £100,000; 17% paid between £30,001 and £60,000; and 11% paid up to £30,000; while the general secretaries of the remaining 36% did not receive a salary. Six unions (3%), although paying no salary to their general secretary, did provide an honorarium or other benefits.
- 4.15 Appendix 5 gives information on the salary and benefit payments in respect of all unions who make a payment to their general secretary. There is no requirement to provide such information in relation to other employees, even if they are paid more than the general secretary. Employer's pension contributions make up a significant proportion of the benefits paid. Employer's national insurance contributions are excluded from the table at Appendix 5.

Employers' associations

- 4.16 A summary of statistics concerning the membership and finances of employers' associations based on returns received within the reporting period is given in Appendix 6. Details are given for 23 associations (including scheduled associations) with total income of more than £2,500,000. It should be noted that 10 regional associations of the EEF merged to form EEF Ltd in October 2008. The final annual returns of the 10 regional associations were reported upon in last year's annual report. The Certification Officer directed that the first return for EEF Ltd should be for a 14 month period ending 31 December 2009 and thereafter on a calendar year basis. The first annual return of EEF Ltd will be reported upon in next year's Annual Report. Accordingly, there was no annual return received for either the 10 regional associations or EEF Ltd during this reporting period. In the last reporting year the 10 organisations that merged to form EEF Ltd accounted for 2% of total members and 11.6% of total income.

- 4.17 The statistics in Appendix 6 are based on returns from 129 employers' associations received in this reporting year compared with returns from 140 received in the reporting year for 2008-2009.
- 4.18 From the returns received in this period, the figures show the gross income of employers' associations was £311.93 million compared with £363.78 million recorded for the previous year, a decrease of 14.25%. Income from members decreased by £2.34 million to £134.76 million, a decrease of 1.7%. Income from investments fell from £20.75 million to £16.73 million, a decrease of 19.4%. Other income fell from £205.93 million to £160.44 million, a decrease of 22.1%. During the same period, expenditure rose from £338.20 million to £342.52 million, an increase of 1.3%.
- 4.19 The figures given in Appendix 6 include both general funds and, where applicable, funds maintained for specific purposes. At the end of the reporting period the net assets of all employers' associations amounted to £270.26 million, a decrease of £80.51 million (23.0%) over the figure reported for the previous period.
- 4.20 Employers' associations are not required by the 1992 Act 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 for the benefit of 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 Trade Union and Labour Relations (Consolidation) Act 1992 ("the 1992 Act") require that any superannuation scheme maintained by a trade union or employers' association¹ covering members (as opposed to staff) must be examined periodically by a qualified actuary and a copy of each actuarial report sent to the Certification Officer. The actuarial examination is 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 1992 Act requires that the report by the actuary, following his or her examination of any scheme, shall state whether in the opinion of the actuary the premium or contribution rates are adequate, whether the accounting or funding arrangements are suitable and whether the separately maintained superannuation fund is adequate. The Office continues to ensure that these requirements are not overlooked.
- 5.3 Where appropriate, actuarial reports received by the Certification Officer are sent to the Government Actuaries Department (GAD) for their specialist comment. The views of GAD are passed on to the union.

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

Schemes maintained

- 5.4 At the end of the reporting period there were seven members' superannuation schemes known to the Certification Officer maintained by three trade unions. They are listed in Appendix 7 and are mostly small schemes. At the time of their last actuarial examination, only four schemes had assets of over £250,000 and only the scheme of the National Union of Rail Maritime and Transport Workers covered more than 25,000 members.
- 5.5 The Certification Officer may grant exemption from the statutory requirement for actuarial examination on the grounds that a scheme is only applicable to a small number of members or for any other special reasons. During this reporting year, the Certification Officer granted exemption to the Sheet Metal Workers Superannuation Scheme maintained by Unite the Union. Exemption was granted on the grounds of the small number of members of the scheme. At the end of this reporting period, there were three schemes known to the Certification Officer which were exempt (see Appendix 7).
- 5.6 One superannuation scheme closed during the reporting period, the Unite the Union Printing Machine Branch Superannuation Fund, formerly maintained by the GPMU.
- 5.7 During this reporting period Unite the Union contacted this office about a members' superannuation scheme of which the Certification Officer had previously been unaware. This is the British Aerospace Senior Staff Association Superannuation Scheme, maintained by Unite the Union. At the end of the reporting period the Certification Officer's enquiries to determine whether this was a scheme covered by section 38 of the 1992 Act had not been concluded.

Actuarial reports received 2009-2010

- 5.8 No actuarial reports were due or received in this reporting period.

6

Mergers

Mergers between trade unions and between unincorporated employers' associations may 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. Appendix 8 lists the mergers registered during the same period.

The statutory provisions

- 6.1 The Trade Union and Labour Relations (Consolidation) Act 1992 (“the 1992 Act”) and the Trade Unions and Employers’ Associations (Amalgamations, etc.) Regulations 1975, as amended, lay down procedures governing two types of merger between trade unions and between unincorporated employers’ associations. These are transfers of engagements and amalgamations. The procedures apply to listed and scheduled 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 be approved before a ballot of members can be held (see Appendix 10 for the statutory fee).
- 6.4 In respect of trade union merger ballots, the ballots must be fully postal and subject to independent scrutiny. The inclusion in the notice to members of any statement making a recommendation or expressing an opinion about a proposed amalgamation or transfer is prohibited. Further, the voting paper sent to a member may not be accompanied by any material other than the notice to members, an addressed, pre-paid envelope and a document giving instructions for the return of the ballot paper. Other requirements relate to the storage, distribution and counting of votes by independent persons and the availability of a union’s membership register and the circumstances of its inspection by an independent scrutineer. For mergers involving employers’ associations, the provisions are different. Details can be found in the relevant guidance booklet and on the Certification Officer’s website, www.certoffice.org.

- 6.5 In a transfer of engagements only the members of the transferring organisation vote on the resolution to approve the instrument of transfer. An amalgamation requires a favourable vote by the members of each of the amalgamating organisations. If the majority of votes recorded in the ballots is in favour of the transfer of engagements or the amalgamation, an application to register the instrument may be made to the Certification Officer. Such an application must be preceded by a copy of the scrutineer's report being sent to every member of the union or the members being notified of its contents by other means. If the union takes the second of the above two options, members must also be told that they will, on request, be provided with a copy of the scrutineer's report – either free or subject to a reasonable specified charge. The Certification Officer has power to direct an organisation to publicise its application to register a merger.
- 6.6 In the case of both a transfer and an amalgamation, an interval of six weeks must elapse between the application for registration and registration itself. Before the expiry of the six-week period, any member of the transferring organisation or of any amalgamating organisation may complain to the Certification Officer on the grounds that one or more of the statutory conditions governing the ballot arrangements have not been observed. The Certification Officer shall determine any such complaint and the parties have a right to an oral hearing. If the Certification Officer upholds the complaint he shall make a declaration and may make an order specifying the steps which must be taken before he will register the instrument. There is a right of appeal against the Certification Officer's decision to the Employment Appeal Tribunal on a question of law. If no such complaint is received from a member, the Certification Officer will register the instrument of transfer after the end of the six week period if he is satisfied that the rules of the transferee organisation (including any amendments to the rules made to give effect to the provisions of the instrument) are in no way inconsistent with the terms of the instrument. The merger takes effect either on the date the instrument of transfer is registered or a later date if specified in the instrument.
- 6.7 Formal documents kept by the Certification Officer relating to mergers under the 1992 Act are available for public inspection (see Appendix 10 for the statutory fee).

Trade Unions formed by amalgamation

- 6.8 Where each of the amalgamating unions was on the Certification Officer's list prior to the amalgamation, the new union will automatically be listed. Where each of the unions held a certificate of independence, the new union will automatically be issued with a certificate of independence. The listing and the certificate of independence shall be removed if the newly amalgamated union does not send certain prescribed information to the Certification Officer within six weeks of the date the amalgamation taking effect or such longer period as the Certification Officer may specify. The information to be sent to the Certification Officer is a copy of the rules of the new union, a list of its officers and the address of its head or main office, together with the prescribed fee (see Appendix 10).

Guidance

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

Mergers during the period 1 April 2009 to 31 March 2010

6.10 During this reporting period, there were four transfers of engagements involving trade unions. There were no amalgamations. The four trade union transfers of engagements which took place involved an estimated total of 21,200 members of the transferring unions. Details are given at Appendix 8.

6.11 During this reporting period two applications were received to register a transfer of engagement following a successful ballot – Derbyshire Group Staff Union to One Union for Regional Staff (O.U.R.S) and Community and District Nursing Association to GMB. At the end of the reporting period both these applications were in the six week waiting period before registration could take place.

6.12 During the period 1 April 2009 to 31 March 2010, The Certification Officer received no complaints relating to any of the transfers of engagements.

Political Funds

The Trade Union and Labour Relations (Consolidation) Act 1992 (“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 1992 Act a resolution to adopt the political objects must be passed by a ballot of the members. The Certification Officer is the statutory authority for approving the establishment and continuance of such funds. This Chapter explains the statutory provisions and reports developments in the period 1 April 2009 to 31 March 2010.

The statutory provisions

General

7.1 A trade union or an unincorporated employers’ association (whether listed or not) can include the furtherance of political objects among its objects. A resolution to adopt political objects must be passed by the members in a postal ballot held under rules which must have been approved by the Certification Officer. An independent scrutineer must be appointed to oversee the ballot. If political objects are adopted, the organisation must also adopt political fund rules which will govern the expenditure of funds on such objects. Those rules must again be approved by the Certification Officer.

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 must use an approved application form as prescribed 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 or her contribution is a contribution to the political fund.

Complaints

7.4 Any member of an organisation with a political fund who considers that the political fund rules have been breached may complain to the Certification Officer. If, after investigating the complaint, the Certification Officer considers that a breach has occurred he may make an order to remedy it.

- 7.5 A member can complain to the Certification Officer if a political fund ballot has been held, or is proposed to be held, in a way that does not comply with the rules for holding the ballot. Any complaint must be made within the period of one year beginning with the date on which the result of the ballot is announced by the union.
- 7.6 A trade union member who claims that his or her trade union has spent money on political objects without a political fund resolution being in force or without approved political fund rules may apply to the Certification Officer for a declaration that it has done so. If the Certification Officer makes a declaration he may also make such an order for remedying the breach as he thinks just under the circumstances. Appeals against decisions of the Certification Officer may be made to the Employment Appeal Tribunal on a point of law.

Review ballots

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

Guidance on procedures

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

Organisations with new political fund rules approved for the first time during 2009-2010

- 7.9 No new political fund rules were approved during the reporting period.

Amalgamations of unions already holding a political fund

- 7.10 Where two or more trade unions, each with a political fund in force, amalgamate, the amalgamated union will be treated under the provisions of section 93 of the 1992 Act as having passed a political fund resolution, provided that the rules of the union in force immediately after the amalgamation include political fund rules. The review ballot cycle (see paragraph 7.7) of such a newly constituted union is treated as having begun from the earliest of the political fund review dates of the amalgamating unions involved. During the reporting period no such amalgamations were registered.

Political fund resolutions in force

- 7.11 As at 31 March 2010, there were 28 unions which had political fund resolutions in force: one less than reported last year (see paragraph 7.13). The listed and scheduled trade unions in Appendix 1 which have a political fund are identified by the symbol (P).

Political fund review ballots

7.12 During the reporting period, two trade unions were required by section 73(3) and 73(4) of the 1992 Act to hold a review ballot (see paragraph 7.7). The unions concerned were:

	<i>Turnout %</i>	<i>Yes %</i>	<i>No %</i>
National Association of Schoolmasters Union of Women Teachers	14	79	21
Association of Revenue and Customs	40	75	25

In both cases, the members voted in favour of maintaining their political fund. The ballot rules of both the above unions were approved within the period covered by this report.

Political fund resolutions lapsed

7.13 During the period one political fund resolution lapsed. This was the political resolution of Connect upon its transfer of engagement to Prospect.

Political funds of trade unions at 31 March 2010

7.14 Detailed statistical information about the political funds of trade unions is set out in Appendix 9. The statistics are derived from the 28 annual returns which were received during the reporting period from unions with political funds. In all cases, the accounting periods of the returns ended between October 2008 and September 2009 (see paragraph 4.1).

7.15 The number of returns received within a reporting period is not always the same as the number of political fund resolutions in force at the end of the reporting period (see paragraph 7.11). This may be because some unions have recently had their political fund rules approved, but have yet to make returns inclusive of political fund information. There may be other unions which submitted a final return within the reporting period but which, by the end of the period, had ceased to exist.

7.16 Annual returns received during the period 1 April 2009 to 31 March 2010, show the total income of political funds as £20.15 million compared with £18.11 million reported in the 2008-2009 report, an increase of 11%. The total expenditure from political funds was £17.80 million as compared with £18.76 million in the preceding year, a decrease of 5%. The returns received within the period also show that the total value of political funds during the reporting period was £14.43 million: up £2.35 million (16.0%) on the £12.08 million contained in the 2008-2009 Report.

Political fund membership

7.17 Appendix 9 also gives membership information provided by those unions which maintained political funds as indicated from the latest annual returns. These returns show that the number of union members contributing to a political fund was

4,296,039 compared with 4,403,041 in the 2008-2009 Report, a decrease of 107,002 members or 2.5%. This decrease is mainly accounted for by a 11% reduction in members of Unite the Union contributing to the Political Fund.

Exemption notices

7.18 Exemption notices (see paragraph 7.3) are obtainable from the organisation concerned or from the Certification Office. The Office supplied eight such notices during the period 1 April 2009 to 31 March 2010. The annual returns recorded 1,295,400 members belonging to unions with a political fund who do not make a political fund contribution, either because they have claimed exemption or they belong to a category of membership which, under the rules of the union, does not contribute to the political fund.

Amendments to rules

7.19 Amendments to political fund rules require the Certification Officer's approval. Such approval is given provided that the amendments have been adopted in accordance with, and satisfy the requirements of, the 1992 Act. Two trade unions had amendments approved in this way during the period 1 April 2009 to 31 March 2010. They were Prospect and GMB.

Political fund complaints

7.20 During the period 1 April 2009 to 31 March 2010, the Certification Officer received one complaint relating to political funds of trade unions. The complaint against UNISON was heard on 12 January 2010. The application determined by the Certification Officer was:

- **Bakhsh (No.3) v UNISON (D/1-6/10)**
The Complainant alleged breaches of section 71(1)(b) of the 1992 Act and the political fund rules of the union in that money had allegedly been expended for party political purposes from the union's general fund, not from its political fund. The complaint of a breach of section 71(1)(b) was dismissed on withdrawal by the applicant. The Certification Officer upheld five breaches of the political fund rules, which were conceded by the union, and dismissed two further such alleged breaches. No order to remedy these breaches was made as the Union had already transferred equivalent funds from the political fund to its general fund.

Copies of all decisions of the Certification Officer are available on the Certification Officer's website.

Elections for Certain Positions

The Trade Union and Labour Relations (Consolidation) Act 1992 (“the 1992 Act”) requires that certain officers and all members of a trade union’s executive committee must be elected by postal ballot. If they seek to remain in that position for more than five years they must be re-elected. This chapter deals with the statutory provisions governing elections. As explained in chapter 9, the Certification Officer also has powers to deal with breaches of a union’s own rules governing elections and certain other matters.

The statutory provisions

- 8.1 A trade union must ensure that no-one takes up a position as a member of its executive committee, or as its general secretary without having been elected to that position. Nor may anyone remain in such a position for more than five years without having been re-elected to it. There are, however, exemptions in respect of amalgamations, newly formed unions, special register bodies and officers nearing retirement. Elections are required to be by 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, and candidates in the election, 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 will determine any such application and will give written reasons for his decision. Such reasons may be accompanied by written observations on any matter arising from, or connected with, the proceedings.
- 8.3 The 1992 Act also provides that where the Certification Officer makes a declaration he shall also, unless he considers that to do so would be inappropriate, make an enforcement order imposing on the union one or more of the following requirements –
- (a) to secure the holding of an election in accordance with the order.
 - (b) to take such other steps to remedy the declared failure as the Certification Officer may specify in the order.
 - (c) to abstain from such acts as the Certification Officer specifies with a view to securing that a failure of the same, or similar kind, does not occur in the future.
- 8.4 The 1992 Act also requires the Certification Officer to give the claimant and the trade union concerned an opportunity to be heard before the Certification Officer determines an application and makes, or refuses, the declaration sought. All hearings before the Certification Officer are held in public.

- 8.5 Section 256(2) of the 1992 Act requires the Certification Officer to make provision about the disclosure or otherwise of the identity of an individual who has made, or is proposing to make, any application or complaint. The 1992 Act requires that if the application or complaint relates to a trade union, the individual's identity is to be disclosed to the union unless the Certification Officer thinks the circumstances are such that it should not be disclosed.
- 8.6 The Certification Officer has made provision under section 256 of the 1992 Act to the effect that the identity of an individual who proposes to make an application or complaint will not generally be disclosed to the union, unless or until the application or complaint is made. When an application or complaint is accepted, the Certification Officer will generally disclose the individual's identity to the union (and others as the Certification Officer thinks fit) unless it is decided that the circumstances are such that it should not be disclosed. The Certification Officer makes that decision on a case by case basis. Fear of denigration will not of itself normally justify non-disclosure. The provision made by the Certification Officer under section 256 of the 1992 Act is on the Certification Officer's website, www.certoffice.org.
- 8.7 When a hearing is held, certain expenses incurred by claimants and their necessary witnesses attending the hearings may be reimbursed by the Office at the discretion of the Certification Officer. During the reporting period such payments amounted to £1,787.25.
- 8.8 Appeals on any question of law arising in proceedings before or arising from a determination by the Certification Officer may be made to the Employment Appeal Tribunal (EAT).
- 8.9 If it is decided that there has been a breach of the statutory provisions, the declaration made by the Certification Officer must state any steps which the union has taken or has agreed to take to remedy the breach or prevent such a breach from occurring in the future.
- 8.10 A person cannot complain to the Certification Officer if he or she has applied to the court in respect of the same matter even if the person subsequently withdraws his or her application to the court. Similarly, once an application has been made to the Certification Officer the claimant may not then apply to the court. Where an application to the Certification Officer is made by a different person alleging the same failures which had been considered and determined by the court, the Certification Officer is required to have due regard to any declaration, order, observations or reasons made or given by the court which are brought to the notice of the Certification Officer.

Applications and decisions

- 8.11 In the period 1 April 2009 to 31 March 2010 the Certification Officer received one application relating to trade union elections. At the end of the reporting period the office remained in correspondence with the claimant.

8.12 The Certification Officer issued 14 decisions relating to such elections during the period 1 April 2009 to 31 March 2010. Three enforcement orders were issued. The applications determined by the Certification Officer included:

- **Mr R Lyons v Unite the Union (Amicus Section) (D/48-50/09)**
Mr Lyons complained that the union had breached section 52(2) and 48(6) of the 1992 Act and had also breached a rule of the union in relation to the election of the Joint General Secretary, Unite the Union (Amicus Section). The Certification Officer dismissed the complaints of breach of statute.
- **Mr C Potter and Mr C Mullen v Solidarity (D/37-44/09)**
The two claimants made two complaints alleging breach of sections 47(2) and 49(2)(b) of the 1992 Act relating to the elections to the National Executive. The Certification Officer dismissed both the complaints.
- **Mr S Mace v National Union of Mineworkers (NUM) (D/31-34/09)**
Mr Mace brought two complaints of breach of statute in relation to elections held in 2008 for a position on the National Executive of the union. The Certification Officer upheld both complaints of breach of statute. He ordered that the results of the relevant election be set aside and ordered the union to hold a new election.
- **Mr A Scargill v National Union of Mineworkers (NUM) (D/26-30/09)**
Mr Scargill made three complaints of breach of statute in relation to elections held in 2008 for positions on the National Executive of the union. The Certification Officer upheld two complaints of breach of statute and dismissed the other complaint. He ordered that the results of the relevant election be set aside and ordered the union to hold a new election.
- **Mr D Harrison v Unite (TGWU section) (D/19-24/09)**
Mr Harrison made three complaints that the union had breached the 1992 Act in relation to the elections to the First Executive Council of Unite the Union in 2008. The Certification Officer dismissed the complaints.
- **Mr A Klee v Association of School and College Leaders (D/35-36/09)**
Mr Klee made two complaints in relation to the election of Council representatives of the ASCL for the period 2009-2012. He alleged breaches of sections 48(4) and 48(5) of the 1992 Act. The Certification Officer dismissed both complaints.
- **Mr P Trummel v NUJ (D/47/09)**
Mr Trummel sought to bring a number of complaints to the Certification Officer including a complaint that the NUJ had breached section 55 of the 1992 Act. The complaints were struck out by the Certification Officer, under section 256ZA of the 1992 Act on the grounds that the manner in which the proceedings had been conducted by the claimant had been unreasonable and that the complaints as advanced by the claimant had no reasonable prospect of success.

- 8.13 The decisions in the cases of Scargill v NUM was appealed by Mr Scargill to the Employment Appeal Tribunal. The EAT upheld the Certification Officer's decision. Mr Potter also appealed the decision in Potter and Mullen v Solidarity. The EAT found that the appeal had no reasonable prospect of success and it did not proceed to full hearing.
- 8.14 Copies of the above decisions of the Certification Officer are available free of charge from the Certification Office. Copies of all decisions re available on the Certification Officer's website.

Breach of Trade Union Rule Applications

The Trade Union and Labour Relations (Consolidation) Act 1992 (“the 1992 Act”) provides that a member of a trade union who claims that there has been a breach or threatened breach of the rules of a trade union relating to certain matters as set out in the Act, may apply to the Certification Officer for a declaration to that effect.

The statutory provisions

- 9.1 Individual trade union members have the right to apply to the Certification Officer if there has been a breach or threatened breach of a trade union’s rules relating to any of the matters set out in section 108A(2) of the 1992 Act. The matters are: –
- (a) *the appointment or election of a person to, or the removal of a person from, any office;*
 - (b) *disciplinary proceedings by the union (including expulsion);*
 - (c) *the balloting of members on any issue other than industrial action;*
 - (d) *the constitution or proceedings of any executive committee or of any decision-making meeting;*
 - (e) *such other matters as may be specified in an order made by the Secretary of State.*
- 9.2 The claimant 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 claimant has applied to the court in respect of the same matter. Similarly, once a complaint has been made to the Certification Officer the same matter may not be put to the court.
- 9.3 The Certification Officer may refuse to accept a complaint if he is not satisfied that the claimant has taken all reasonable steps to resolve the claim by the use of any internal complaints procedure of the union.
- 9.4 If the Certification Officer accepts a complaint he is required to make such enquiries as he thinks fit and, before reaching a decision on the complaint, provide the claimant and the trade union with an opportunity to be heard. All hearings before the Certification Officer are held in public.
- 9.5 The Certification Officer must give reasons for his decision in writing and, where he makes the declaration sought, is required to make an enforcement order unless he

considers that to do so would be inappropriate. The enforcement order may impose on the union one or more of the following requirements –

- (a) to take such steps to remedy the breach, or withdraw the threat of a breach, as may be specified in the order;
- (b) to abstain from such acts as may be so specified with a view to securing that a breach or threat of the same or a similar kind does not occur in future.

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

- 9.6 An enforcement order made by the Certification Officer may be enforced (by any person who is a member of the union and was a member at the time the enforcement order was made) in the same way as an order of the court.
- 9.7 An appeal on any question of law arising in proceedings before or arising from a determination by the Certification Officer may be made to the Employment Appeal Tribunal (EAT).

Applications and decisions

- 9.8 In the period 1 April 2009 to 31 March 2010, the Certification Officer determined 5 of the 6 applications (against 3 unions) that were outstanding from the period 1 April 2007 to 31 March 2008. The other outstanding application was not proceeded with by the complainant. In addition, 11 applications against 6 unions received in the previous reporting period were determined.
- 9.9 In the present reporting period, the Certification Officer received 12 new applications (against eight unions) relating to alleged breaches of union rule. After correspondence, four of these applications were not proceeded with. Three of the remaining applications were determined in this reporting period. At 31 March 2010, 5 applications (against three unions) remained outstanding.
- 9.10 The Certification Officer determined 28 complaints on 16 applications of breach of rule during the period 1 April 2009 to 31 March 2010. Two enforcement orders were issued. In two of the decisions, the Certification Officer used his power under section 256ZA of the 1992 Act to order the complaints to be struck out. Of the complaints determined the following are noteworthy.
 - **Mr R Radford v Equity D/12-18/09**
The claimant alleged that the union had breached its rules in relation to the operation of its disciplinary procedures against him. At a preliminary hearing, the Certification Officer dismissed the application on the grounds that it had been made out of time.

- **Ms C Bedale v UNISON (D/7/10)**
 Ms Bedale alleged a breach of the rules of the union in relation to the expenditure of union funds in the election of members to its National Executive in 2009. The Certification Officer upheld the complaint but did not consider it appropriate to make an enforcement order.
- **Mr T Savage v Union of Shop, Distributive and Allied Workers (D/51/09)**
 Mr Savage alleged that the union had breached its rules by having permitted two members to be elected to its Executive Council who were from the same branch. One was elected as the President and the other as a Divisional Representative. The Certification Officer refused to make the declaration sought by the claimant.
- **Mr R Lyons v Unite the Union (Amicus Section) (D/48-50/09)**
 Mr Lyons complained that the union had breached a rule of the union in relation to the election of the Joint General Secretary, Unite the Union (Amicus Section). The Certification Officer upheld the complaint of breach of rule but did not consider it appropriate to make an enforcement order.
- **Mr M Fleming-Cooney v Unite the Union (Amicus Section) (D/45/09)**
 Mr Fleming-Cooney made a complaint that the union had allegedly breached its rules by its First Executive Council having amended the union's rules outside its powers to do so. The Certification Officer dismissed the complaint.
- **Mr C Potter, Mr C Mullen & Mr W McLinden v Solidarity (D/37-44/09)**
 The three Claimants made a total of five complaints alleging various breaches of the rules of the union. These related to the elections to the National Executive, the appointment and removal of officers/posts and the calling of a special general meeting. The Certification Officer dismissed all the complaints.
- **Mr S Mace v National Union of Mineworkers (NUM) (D/31-34/09)**
 Mr Mace brought two complaints of breach of union rule in relation to elections held in 2008 for a position on the National Executive. The Certification Officer upheld one complaint of breach of rule and dismissed the other. He ordered that the results of the relevant election be set aside and ordered the union to hold a new election.
- **Mr A Scargill v National Union of Mineworkers (NUM) (D/26-30/09)**
 Mr Scargill made two complaints of breach of rules in relation to elections held in 2008 for positions on the National Executive. The Certification Officer upheld one complaint of breach of rule and dismissed the other complaint. He ordered that the results of the relevant elections be set aside and ordered the union to hold new elections.

- **Mr D Harrison v Unite (TGWU section) (D/19-24/09)**

Mr Harrison made three allegations that the union had breached its rules in relation to the elections to the First Executive Council of the Union in 2008. The Certification Officer dismissed the complaints.

9.11 As reported in Chapter 8, some of the decisions in the case of Scargill v NUM were appealed by Mr Scargill to the EAT. The EAT upheld the Certification Officer's decision UKEAT/0707/09 (see paragraph 8.13). In addition Mr Potter, Mr Fleming-Cooney and Mr Radford sought to appeal to the EAT. In all three cases the EAT dismissed the appeals without a full hearing.

9.12 Copies of the above decisions and of all decisions of the Certification Officer are available free of charge from the Certification Office and all decisions are also available on the Certification Officer's website, www.certoffice.org.

9.13 In the period 1 April 2009 to 31 March 2010, a total of 461 enquiries were received. These fall under the following broad headings:

General advice on the role of the Certification Officer	59
Appointment, election or dismissal from any office in the union	42
Disciplinary proceedings within the union	30
Balloting of union members (other than industrial action)	23
Constitution or proceedings of a union's executive committee or certain other bodies	23
Inadequate representation of members by their union	94
Union benefits or membership issues	30
Others	160
Total	461

This is a significant decrease of 230 enquiries on the corresponding period in 2008-2009 (see paragraph 9.13 of the 2008-2009 Annual Report). This could be a reflection of the greater use of the information contained on the Certification Office website to answer enquiries.

Not all enquires made could result in applications to the Certification Officer. For example the Certification Officer has no jurisdiction regarding inadequate representation of members by their union or in relation to the provision of union benefits or membership.

Appendix 1

(see paragraph 1.12)

List of Trade Unions at 31 March 2010

Notes:

Italics Denotes a trade union first entered in the list during 1 April 2009 to 31 March 2010.

* Denotes a trade union holding a certificate of independence at 31 March 2010.

(P) Denotes a trade union with a political fund resolution in force at 31 March 2010.

England and Wales

- * Accord
- * Advance
- Alliance for Finance
- * Aspect (P)
- * Associated Society of Locomotive Engineers and Firemen (P)
Associated Train Crew Union
- * Association for Clinical Biochemistry
- * Association for College Management
- * Association of Educational Psychologists
- * Association of Local Authority Chief Executives
Association of Management and Professional Staffs
- * Association of Principal Fire Officers
- * Association of Professional Ambulance Personnel
- * Association of Professional Music Therapists in Great Britain
- * Association of Revenue and Customs (P)
- * Association of School and College Leaders
Association of Somerset Inseminators
- * Association of Teachers and Lecturers

- * Bakers Food and Allied Workers Union (P)
Balfour Beatty Group Staff Association
Boots Pharmacists Association (BPA)
- * Britannia Staff Union
- * British Air Line Pilots Association
- * British Association of Colliery Management – Technical Energy and Administrative
Management (BACM – TEAM)
- * 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
- * Broadcasting Entertainment Cinematograph and Theatre Union (P)

- * Chartered Society of Physiotherapy
- City Screen Staff Forum
- * Communication Workers Union (P)
- * Community (P)
- * Community and District Nursing Association
- Council of Civil Service Unions
- Currys Supply Chain Staff Association (CSCSA)

- * Dental Practitioners Association
- * Derbyshire Group Staff Union
- * Diageo Staff Association
- Door Supervisors Union*

- * Ellington Branch of the North East Area of the National Union of Mineworkers
- * Engineering Officers Technical Association
- * Equity (Incorporating the Variety Artistes Federation)

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

- G4S Justice Services Staff Association
- * Gallaher Sales Staff Association
- General Federation of Trade Unions
- * GMB (P)
- * Guild of Professional Teachers of Dance Movement to Music and Dramatic Arts

- Harrods Staff Union
- Headmasters and Headmistresses Conference
- * Hospital Consultants and Specialists Association

- * ISU
- * Independent Democratic Union
- * Independent Pilots Federation
- Industrial Workers of the World (IWW) – British Isles
- Institute of Football Management and Administration
- * Institute of Journalists (Trade Union)
- International Federation of Air Line Pilots Associations
- * Irish Bank Officials Association

- * Lawson Mardon Star Ltd Managerial Staff Association
- Lecturers Employment Advice and Action Fellowship
- LEGION
- Leeds Building Society Staff Association
- * Leek United Building Society Staff Association
- Leicestershire Overmen Deputies and Shotfirers Association
- * Lloyds TSB Group Union
- Locum Doctors Association

- * Musicians Union (P)

- * NAPO – the Trade Union and Professional Association for Family Court and Probation Staff
- * National Association of Colliery Overmen Deputies and Shotfirers (P)
- * National Association of Colliery Overmen Deputies and Shotfirers (South Wales Area)
- * National Association of Co-operative Officials
- * National Association of Head Teachers
- * National Association of NFU Group Secretaries
- * National Association of Schoolmasters Union of Women Teachers (P)
- * National Association of Stable Staff
- * National Federation of Sub-Postmasters
- National House Building Council Staff Association
- * National Society for Education in Art and Design
- * National Union of Journalists
- * National Union of Mineworkers (P)
- National Union of Mineworkers (Cokemen’s Area)
- * National Union of Mineworkers (Colliery Officials and Staffs Area)
- * National Union of Mineworkers (Colliery Officials and Staffs Area) (Region No. 4)
- National Union of Mineworkers (Derbyshire Area)
- * National Union of Mineworkers (Leicester Area)
- National Union of Mineworkers (Midlands Area)
- National Union of Mineworkers (North Stafford Federation Midlands Area)
- National Union of Mineworkers (Northumberland Area)
- National Union of Mineworkers (North Wales Area)
- National Union of Mineworkers (South Wales Area)
- * National Union of Rail Maritime and Transport Workers (P)
- * National Union of Teachers (P)
- * Nationwide Group Staff Union
- * Nautilus International
- NISA
- North of England Zoological Society Staff Association

- * One Union for Regional Staff (O.U.R.S)

- Palm Paper Staff Association
- PDA Union, The
- * POA (P)

- * Prison Governors Association
- * Prison Service Union
- Professional Cricketers Association
- Professional Footballers Association
- * Prospect (P)
- * Public and Commercial Services Union (P)

- * Retail Book Stationery and Allied Trades Employees Association
- * Retained Firefighters Union
- * Retired Officers Association
- * Royal College of Midwives
- * Royal College of Nursing of the United Kingdom
- RSPB Staff Association
- Rugby Players Association (The)

- Shield Guarding Staff Association
- * Society of Authors Limited
- * Society of Chiropodists and Podiatrists
- * Society of Radiographers
- * Society of Union Employees (UNISON)
- Solidarity
- * Staff Association of Bank of Baroda (UK Region)
- * Staff Union West Bromwich Building Society
- * SURGE (Skipton Union Representing Group Employees)

- * Transport Salaried Staffs Association (P)

UDW

- * UFS
- * Undeb Cenedlaethol Athrawon Cymru (National Association of Teachers of Wales)
- * Union of Construction Allied Trades and Technicians (P)
- Union of Country Sports Workers
- * Union of Democratic Mineworkers (P)
- Union of General & Volunteer Workers
- * Union of Shop Distributive and Allied Workers (P)
- * UNISON – The Public Service Union (P)
- * United Road Transport Union
- * Unite the Union (P)
- * Unity (P)
- * University and College Union (P)

Notes:

- Italics* Denotes a trade union first entered in the list during 1 April 2009 to 31 March 2010.
- * Denotes a trade union holding a certificate of independence at 31 March 2010.
- (P) Denotes a trade union with a political fund resolution in force at 31 March 2010.

* Voice

Warwick International Staff Association
Welsh Rugby Players Association
Whatman Staff Association

* Workers Uniting

* Writers Guild of Great Britain

* Yorkshire Independent Staff Association

Scotland

* Aegis; The Aegon UK Staff Association

Association of College Staff Scotland

* Association of Head Teachers and Deputies in Scotland

* Educational Institute of Scotland (P)

Independent Federation of Nursing in Scotland

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

* Prison Staff Association

Scottish Artists Union

* Scottish Carpet Workers Union

* Scottish Secondary Teachers Association

* Staff Union Dunfermline Building Society

* United and Independent Union

Notes:

Italics Denotes a trade union first entered in the list during 1 April 2009 to 31 March 2010.

* Denotes a trade union holding a certificate of independence at 31 March 2010.

(P) Denotes a trade union with a political fund resolution in force at 31 March 2010.

Schedule to Appendix 1

(See paragraph 1.7)

This Schedule contains the names of those trade unions known to the Certification Officer which are within the statutory definition of a trade union but which have not applied to be entered on the list at 31 March 2010

Notes:

Italics Denotes a trade union first entered in the list during 1 April 2009 to 31 March 2010.

(P) Denotes a trade union with a political fund resolution in force at 31 March 2010.

* A branch of an American trade union.

England and Wales

Association of Flight Attendants (Council 07)*

Association of Trade Union Political and Public Sector Staff

Confederation of Shipbuilding and Engineering Unions

Energy and General Workers Union (P)

Federation of Entertainment Unions

General Workers Union

International Federation of Actors

International Transport Workers Federation

National Union of Mineworkers (North East Area)

NFU Staff Association

Society of Local Council Clerks

Trades Union Congress

Workers of England

Scotland

National Union of Mineworkers (Scotland Area)

National Union of Mineworkers (Scottish Area)

Professional Footballers Association Scotland

Scottish Colliery Enginemen Boilermen and Tradesmens Association

Notes:

Italics Denotes a trade union first entered in the list during 1 April 2009 to 31 March 2010.

(P) Denotes a trade union with a political fund resolution in force at 31 March 2010.

* A branch of an American trade union.

Appendix 2

(See paragraph 1.12)

List of Employers' Associations at 31 March 2010

Notes:

Italics Denotes an employers' association first entered in the list during 1 April 2009 to 31 March 2010.

Advertising Producers Association
Association of British Orchestras
Association of Circus Proprietors of Great Britain
Association of Indian Banks in the United Kingdom
Association of Newspaper and Magazine Wholesalers
Association of Plumbing and Heating Contractors

Birmingham Wholesale Fresh Produce Association
British Amusement Catering Trades Association
British Clothing Industry Association Limited
British Glove Association
British Lace Federation
British Marine Federation – East Anglia
British Precast Concrete Federation Limited
British Printing Industries Federation
Builders Merchants Federation

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

East of England Local Government Association
EEF Limited
Electrical Contractors Association
Engineering Construction Industry Association
England and Wales Cricket Board Limited

Federation of Dredging Contractors
Federation of Master Builders
Federation of Window Cleaners

Glass and Glazing Federation

Heating and Ventilating Contractors Association

Lancashire Textile Manufacturers Association

Lancaster Morecambe and South Lakeland Master Plumbers Association

Leather Producers Association

Local Government East Midlands

Local Government Yorkshire and Humber

London Councils

Mastic Asphalt Council

National Association of Farriers Blacksmiths and Agricultural Engineers

National Association of Master Bakers

National Employers Organisation for Local Government Services

National Farmers Union

National Federation of Retail Newsagents

National Hairdressers Federation

National Pharmacy Association Ltd

National Trainers Federation

Newspaper Society

North East Regional Employers Organisation for Local Authorities

Producers Alliance for Cinema and Television

Publishers Association

Retail Motor Industry Federation Ltd

Showmens Guild of Great Britain

Smithfield Market Tenants Association London

South East Employers

South Western Provincial Employers Organisation

Thermal Insulation Contractors Association

Vehicle Builders and Repairers Association Limited

West Midlands Leaders Board

Scotland

Electrical Contractors Association of Scotland

Employers in Voluntary Housing Limited

Malt Distillers Association of Scotland

NFU Scotland

Scottish Decorators Federation
Scottish Engineering
Scottish Newspaper Publishers Association
Scottish and Northern Ireland Plumbing Employers Federation
Scottish Print Employers Federation

Notes:

Italics Denotes an employers' association first entered in the list during 1 April 2009 to 31 March 2010.

Schedule to Appendix 2

(See paragraph 1.7)

This Schedule contains the names of those employers' associations known to the Certification Officer which are within the statutory definition of an employers' association but which have not applied to be entered on the list at 31 March 2010

Notes:

Italics Denotes an employers' association first entered in the list during 1 April 2009 to 31 March 2010.

England and Wales

Association of Colleges

B F M Limited
British Ceramic Confederation
British Footwear Association
British Jewellery Giftware and Finishing Federation
British Narrow Fabrics Association
British Printing Industries Federation Ltd
British Travelgoods and Accessories Association

Chemical Industries Association Ltd
Confederation of British Wool Textiles Limited
Confederation of Paper Industries Ltd
Covent Garden Tenants Association Limited

Dairy UK

Fencing Contractors Association
Freight Transport Association

Incorporated Guild of Hairdressers Wigmakers and Perfumers
Kaolin and Ball Clay Association (UK)

London Association of Funeral Directors
London Fish Merchants Association (Billingsgate) Limited

Master Carvers Association
Metal Packaging Manufacturers Association

National Bedding Federation Ltd
National Federation of Roofing Contractors Ltd
North Western Local Authorities Employers Organisation
Radio Electrical and Television Retailers Association (RETRA) Ltd
Refractory Users Federation
Road Haulage Association Limited

SPA (UK) Limited t/a prism
Society of London Theatre "SOLT"

Theatrical Management Association Ltd

Universities and Colleges Employers Association

Scotland

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

British Packaging Association
Banff and Moray Master Plumbers Association

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

Edinburgh and District Master Builders 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

Highland Building Employers Association

Inverness and Northern District Master Plumbers Association

Lanarkshire Master Plumbers Association

Perth and District Master Plumbers Association

Scottish Association of Master Bakers

Scottish Association of Meat Wholesalers
Scottish Building Federation Ltd
Scottish Building – Dundee and Angus
Scottish Building – Fife Association
Scottish Building Glasgow & District Association
Scottish Building – Moray District
Scottish Building Orkney Association
Scottish Building – Perth and District
Scottish Building – Renfrewshire and Inverclyde Association
Scottish Federation of Meat Traders Association
Scottish Master Slaters and Roof Tilers Association
Scottish Motor Trade Association Limited
SNIPEF Edinburgh and District Branch

Western Isles Building Employers Association

Notes:

Italics Denotes an employers' association first entered in the list during 1 April 2009 to 31 March 2010.

Appendix 3

(see paragraph 2.8 – 2.11)

Decisions on Trade Union Independence during the period 1 April 2009 to 31 March 2010

Certificates of independence issued

Workers Uniting

Certificates of independence refused

None

Certificates of independence withdrawn

None

Certificates cancelled because the union's name was removed from the list of trade unions

Professional Association of Cabin Crew Employees

Certificates cancelled because the union's name was removed from the list of trade unions as the result of a merger

Association of Licensed Aircraft Engineers (1981)

Connect

UBAC

Applications in progress

Associated Train Crew Union

Appendix 4

Summary of Statistics – Trade Unions, returns received during the period 1 April 2009 to 31 March 2010

The annual returns completed by trade unions for the Certification Officer require the accounts to be shown in a particular way. The figures used in this Appendix are taken from the summary sheets of these annual returns and provide a simple analysis of each union's financial affairs for the year. Individual annual returns are available on the website or may be viewed at, or copies obtained from, the Certification Office.

The information in the table relates to returns received during the reporting period. Although a large proportion of these returns are for the year ending 31 December 2008, the table includes returns from trade unions with year ending dates ranging from October 2008 to September 2009 and therefore due in this Office between 1 April 2009 and 31 March 2010.

Notes to the Summary of Statistics schedule

- (a) The total membership reported by some trade unions includes a number of special categories (eg. honorary or retired) 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) The total income and total expenditure figures are not confined to normal revenue income and expenditure. The figures cover all items which increased or decreased a union's total funds during the year. They are inclusive of recognised gains and losses, including revaluation of property and assets and other changes in the value of assets, which are not offset by an equal change in liabilities. Tax recoveries and provisions no longer required are included in total income, and tax paid is included in total expenditure.
- (d) Some figures may have changed from last year's report due to later information. Some unions may have made adjustments to the beginning of year figure.

Summary of Statistics – Trade Unions, 2008-2009

(see paragraph 4.3)

	Number of Members (a) (1)	GROSS INCOME			
		From Members £000's (2)	From Investments (b) £000's (3)	Other Income £000's (4)	Total Income (c) £000's (5)
		Unite the Union	1,635,483	149,053	2,094
UNISON: The Public Service Union	1,362,000	161,850	3,551	11,085	176,486
GMB	601,131	54,184	1,695	2,832	58,711
Royal College of Nursing of the United Kingdom	400,716	29,567	0	605	30,172
Union of Shop Distributive and Allied Workers	370,763	30,354	1,271	4,982	36,607
National Union of Teachers	366,657	29,899	1,781	5,562	37,242
National Association of Schoolmasters Union of Women Teachers	322,142	25,183	878	2,230	28,291
Public and Commercial Services Union	300,224	30,508	1,206	(16,875)	14,839
Communication Workers Union	230,968	28,434	529	323	29,286
Association of Teachers and Lecturers	206,993	12,765	448	588	13,801
British Medical Association	140,909	36,881	4,633	55,408	96,922
Union of Construction Allied Trades and Technicians	130,859	7,235	331	303	7,869
University and College Union	119,259	16,109	150	4,096	20,355
Prospect	101,979	12,621	(207)	395	12,809
Total for above unions with 100,000 members or more	6,290,083	624,643	18,360	71,685	714,688
Total for 148 other listed unions with less than 100,000 members	1,092,602	168,533	16,345	53,629	238,507
Total for listed unions	7,382,685	793,176	34,705	125,314	953,195
Trades Union Congress	0	15,167	4,809	28,245	48,221
Total for 16 other unlisted unions which have submitted returns	5,213	5,089	1,109	34,078	40,276
Total for all unions 2008-2009	7,387,898	813,432	40,623	187,637	1,041,692
Total for all unions 2007-2008	7,656,156	738,642	50,714	251,023	1,040,379

Notes – see previous page

Appendix 4

GROSS EXPENDITURE	TOTAL FUNDS		GROSS ASSETS				
Total Expenditure (c) £000's (6)	Beginning of the Year (d) £000's (7)	End of the Year (e) £000's (8)	Fixed Assets (f) £000's (9)	Investment Assets (g) £000's (10)	Other Assets (h) £000's (11)	Total Assets (i) £000's (12)	Total Liabilities (j) £000's (13)
213,319	240,580	178,559	129,648	85,381	51,424	266,453	87,894
203,708	139,652	112,430	67,945	2,656	119,678	190,279	77,849
53,316	16,461	21,856	16,639	18,279	16,470	51,388	29,532
30,172	0	0	0	0	7,546	7,546	7,546
42,267	19,195	13,535	11,260	24,063	9,072	44,395	30,860
46,921	20,756	11,077	5,794	4,419	2,721	12,934	1,857
27,155	28,070	29,206	20,078	10,629	3,238	33,945	4,739
37,643	34,246	11,442	8,646	9,787	(5,178)	13,255	1,813
28,121	25,118	26,283	12,086	5,347	16,612	34,045	7,762
14,740	10,002	9,063	5,330	2,611	4,965	12,906	3,843
148,598	131,930	80,254	21,355	89,499	35,713	146,567	66,313
7,392	10,637	11,114	5,769	25	8,191	13,985	2,871
19,868	(793)	(306)	19,847	117	3,780	23,744	24,050
15,020	30,147	27,936	14,282	11,430	2,203	27,915	(21)
888,240	706,001	532,449	338,679	264,243	276,435	879,357	346,908
266,248	358,156	330,415	114,454	201,487	112,986	428,927	98,512
1,154,488	1,064,157	862,864	453,133	465,730	389,421	1,308,284	445,420
44,924	6,024	9,321	2,065	65	21,587	23,717	14,396
39,916	66,527	66,887	5,542	31,449	45,754	82,745	15,858
1,239,328	1,136,708	939,072	460,740	497,244	456,762	1,414,746	475,674
898,408	992,174	1,134,145	440,796	585,951	474,647	1,501,394	367,249

Appendix 5

(see paragraph 4.15 – 4.16)

Salary and Benefits of Trade Union General Secretaries

England and Wales		£	£
	<i>Title</i> (General Secretary unless stated)	<i>Salary</i>	<i>Benefits</i>
Accord		104,965 (a)	13,164
Advance		13,026	13,811
Alliance for Finance		3,050	
Aspect		68,468	
Associated Society of Locomotive Engineers and Fireman		73,907	45,037
Association for College Management		86,572	11,615
Association of School and College Leaders		103,891	14,649
Association of Educational Psychologists		63,273	6,722
Association of Professional Music Therapists in Great Britain	Chairperson	2,700	
Association of Teachers and Lecturers		105,198	25,551
Association of Trade Union, Political & Public Sector Staff		100	
Bakers, Food and Allied Workers' Union		42,759	13,826
Boots Pharmacists' Association (BPA)	Chief Executive		7,000 (b)
British Air Line Pilots Association		109,007	22,093
Britannia Staff Union		12,500 (c)	
British Association of Colliery Management – Technical Energy & Administrative Management (BACM-TEAM)		72,063	18,901
British Association of Dental Nurses	Chief Executive	29,584	1,431
British Association of Journalists		21,354	
British Association of Occupational Therapists Ltd	Chairman	9,995 (d)	
British Dental Association	Chief Executive	127,827	31,679
British Medical Association	Chairman		95,220 (b)
Broadcasting Entertainment Cinematograph and Theatre Union		59,813	16,546

Chartered Society of Physiotherapy	Chief Executive	87,478	21,869
Communication Workers Union		87,045	1,393
Community		86,072	29,923
Community and District Nursing Association	Chief Executive	60,000	
Confederation of Shipbuilding and Engineering Unions		79,425 (e)	
Connect; The Union for Professionals in Communications		79,818	5,654
Dental Practitioners Association	Chairman		1,000 (b)
Equity (Incorporating the Variety Artists' Federation)		70,049	13,779
FDA		86,709	30,782
Fire Brigades Union		68,054	49,176
Fire Officers' Association	Chief Executive	33,141	
G4S Justice Services Staff Association		30,355	3,906
General Federation of Trade Unions		59,622	30,070
GMB		84,000	28,000
Guild of Professional Teachers of Dance, Music to Movement and Dramatic Arts		12,000	
Headmasters' and Headmistresses' Conference		109,398	936
Hospital Consultants and Specialists Association	Chief Executive	72,885	4,556
Immigration Service Union		7,067	
Independent Democratic Union	National Secretary	45,853	6,033
Independent Pilots Federation		23,150	
Institute of Football Management and Administration		8,500	
Institute of Journalists (Trade Union)		35,280	1,961
International Federation of Actors		58,377	9,723
International Transport Workers Federation		97,282	15,880
Irish Bank Officials Association		€133,518	€66,688
Lecturers Employment Advice and Action Fellowship		9,410	
Lloyds TSB Group Union		92,000	32,735
Musicians Union		80,116	22,123

NAPO – The Trade Union and Professional Association for Family Court and Probation Staff		70,176 (e)	12,437 (e)
National Association of Colliery Overmen, Deputies and Shotfirers		55,976	12,843
National Association of Colliery Overmen, Deputies and Shotfirers (South Wales Area)		47,449	
National Association of Co-operative Officials		84,653	14,458
National Association of Head Teachers		102,967	26,103
National Association of NFU Group Secretaries			7,163 (b)
National Association of Schoolmasters Union of Women Teachers		94,059	25,925
National Association of Stable Staff	Chief Executive	44,271	
National Federation of Sub-Postmasters		96,784	8,641
National Society for Education in Art and Design		55,577	7,836
National Union of Journalists		63,481	8,266
National Union of Mineworkers		47,537	4,057
National Union of Mineworkers (Cokeman’s Area)		30,584	790
National Union of Mineworkers (Colliery Officials and Staff Area) Region No 4		14,069	3,232
National Union of Mineworkers (Derbyshire Area)		44,362	26,200
National Union of Mineworkers (Leicester Area)		30,840	517
National Union of Mineworkers (North East Area)		14,294	8,224
National Union of Mineworkers (North Wales Area)		25,114	1,470
National Union of Mineworkers (Northumberland Area)		52,040 (f)	16,044 (f)
National Union of Mineworkers North Stafford Federation (Midlands Area)		15,385	
National Union of Mineworkers (South Wales Area)		47,210	
National Union of Rail, Maritime and Transport Workers		84,923	28,088
National Union of Teachers		111,431 (e)	22,440 (e)
Nationwide Group Staff Union		100,008	26,075
Nautilus UK		74,550	13,983
NISA		33,355	6,823
PDA			5,000 (b)
POA		64,939	60,218
Prison Service Union		75,600	20,067
Professional Cricketers Association	Chief Executive	91,200 (e) (g)	5,674 (e) (g)
Professional Footballers’ Association		909,615	32,987
Prospect		98,910	18,873
Public and Commercial Services Union		85,421	27,213
Retail Book Stationery and Allied Trades Employees Association	President	36,310	8,380
Retained Firefighters Union		44,474	3,867
Retired Officers Association			69 (b)
Royal College of Midwives		129,663 (e) (h)	41,691 (e) (h)
Royal College of Nursing in the United Kingdom		137,267 (i) (j)	

Rugby Players Association (The)	67,444	3,200
Shield Guarding Staff Association	25,200	465
Society of Authors Limited	89,050	40,190
Society of Chiropodists and Podiatrists	70,154	5,612
Society of Local Council Clerks	Chief Executive 59,173	10,535
Society of Radiographers	Chief Executive 40,827 (k)	4,705 (k)
Trades Union Congress	93,000	24,000
Transport Salaried Staffs Association	65,152	13,356
UBAC	140,852 (l) (m)	2,927 (m)
UDW		11,000 (n)
UFS	88,000	28,307
Undeb Cenedlaethol Athrawon Cymru (The National Association of Teachers of Wales)	42,060	1,177
Union of Construction, Allied Trades and Technicians	68,779	14,759
Union of Democratic Mineworkers	95,285 (o)	67,564 (o)
Union of Shop Distributive and Allied Workers	85,812	27,344
UNISON: The Public Service Union	94,953	35,156
Unite the Union		(p)
Joint General Secretary	97,027	89,599
Joint General Secretary	93,815	28,293
United Road Transport Union	56,668	24,326
Unity	41,598	29,737
University and College Union	97,592	15,827
Voice	66,777	5,507
Welsh Rugby Players Association	103,000	
Writers Guild of Great Britain	52,000	4,680

Scotland

Association of Head Teachers and Deputies in Scotland	48,984	5,462
Educational Institute of Scotland	89,388	24,037
Independent Federation of Nursing in Scotland	19,944	
National Union of Mineworkers (Scottish Area)	53,107	13,091
Professional Footballers' Association Scotland	46,200	

Scottish Secondary Teachers Association	76,118 (e)	180,470 (e) (q)
United and Independent Union	10,696	

Notes:

- (a) £10,491 of salary is a bonus payment
- (b) Honorarium
- (c) Part reimbursement of seconded salary
- (d) Payment made to Chairman's employer in respect of his services
- (e) Total paid in respect of two people holding office of general secretary within the period and is not the sum paid to one individual
- (f) 40% of General Secretary's salary (including pension and employer's national insurance contributions) is charged to the Provident and Benevolent Fund
- (g) The Chief Executive's salary and benefits are associated with all aspects off the PCA Group and not just the trade union
- (h) The General Secretary's salary and benefits are associated with all aspects of the College and not just the trade union
- (i) Includes payments made in respect of the General Secretary's role in the associated charitable trust
- (j) This figure includes an amount of £4,989 awarded as back pay which relates to prior years
- (k) Represents 50% of total salary and benefits, the other 50% is included in the College of Radiographers accounts
- (l) £127,992 of salary is redundancy pay
- (m) Payment made for a period of more than 12 months
- (n) Consultancy fees
- (o) £83,429 of salary and £67,564 of benefits is paid in respect of the position of the President of the Nottingham Section of the UDM
- (p) Unite the Union has Joint General Secretaries
- (q) £178,432 of benefits is the contribution to the former General Secretary's contractual superannuation arrangements

Appendix 6

Summary of Statistics – Employers’ Associations, returns received during the period 1 April 2009 to 31 March 2010

The figures used in Appendix 6 are taken from the summary sheets of the annual returns made by employers’ associations to the Certification Officer and provide a simple analysis of each association’s financial affairs for the year. Individual annual returns are available on the website or can be viewed at, or obtained from, the Certification Office. Where an association has functions outside the field of employment relations the return may relate to its activities as a whole and not merely to its employment relations functions.

The information in the table relates to returns received during the reporting period. Although a large proportion of these returns are for the year ending 31 December 2008, the table includes returns from employers’ associations with year ending dates ranging from October 2008 to September 2009 and therefore due in this Office between 1 April 2009 and 31 March 2010.

Notes

- (a) Income from investments includes interest on short term deposits.
- (b) Total income and gross expenditure figures are not confined to normal revenue income and expenditure. The figures include all items which increased or decreased an association’s funds during the year. This includes any increases or decreases in the valuation of property and other assets. Tax recoveries and provisions no longer required are included in total income and tax paid is included in total expenditure.
- (c) Some figures may have changed from last years report due to later information. Some employers’ associations may have made adjustments to the beginning of year figure.

Summary of Statistics – Employers’ Associations, 2008-2009

(see paragraph 4.17)

	GROSS INCOME				GROSS EXPENDITURE
	From Members	From Investments	Other Income	Total Income	(b)
	£000’s	£000’s	£000’s	£000’s	£000’s
Employers’ Associations with over £2,500,000 total income*	(1)	(2)	(3)	(4)	(5)
England and Wales Cricket Board Limited	0	1,723	95,182	96,905	95,891
Electrical Contractors Association	3,473	5,824	19,281	28,578	30,298
Freight Transport Association Limited	26,220	115	4	26,339	24,606
Heating and Ventilating Contractors Association	3,920	1,549	9,894	15,363	14,694
East of England Regional Assembly	944	199	8,102	9,245	8,734
National Farmers Union	28,350	1,915	(21,518)	8,747	30,101
National Pharmacy Association Ltd	4,224	151	2,506	6,881	7,417
Road Haulage Association Limited	2,838	182	3,638	6,658	8,134
British Printing Industries Federation	3,432	381	2,620	6,433	6,611
Chemical Industries Association Limited	4,032	83	1,781	5,896	5,893
Society of London Theatre “SOLT”	556	92	4,550	5,198	5,189
Federation of Master Builders	4,999	62	109	5,170	5,482
Construction Confederation	908	19	4,137	5,064	2,674
National Federation of Retail Newsagents	4,753	209	122	5,084	4,618
Association of Colleges	4,641	120	(234)	4,527	5,481
West Midlands Leaders Board	1,429	37	2,406	3,872	3,041
Newspaper Society	2,857	176	467	3,500	4,225
Electrical Contractors Association of Scotland	1,407	389	1,494	3,290	2,648
Engineering Construction Industry Federation	2,363	302	609	3,274	2,698
Publishers Association	1,471	0	1,237	2,708	2,710
Dairy UK	1,317	99	1,110	2,526	3,435
Retail Motor Industry Federation Limited	2,526	549	1,092	4,167	8,103
NFU Scotland	2,138	130	384	2,652	2,639
Total for above Employers’ Associations	108,798	14,306	138,973	262,077	285,322
Total for 50 other listed Employers’ Associations	17,349	1,348	11,331	30,028	35,998
Total 56 other unlisted Employers’ Associations	8,616	1,073	10,134	19,823	21,200
Total for all Employers’ Associations 2008-2009	134,763	16,727	160,438	311,928	342,520
Total for all Employers’ Associations 2007-2008	137,102	20,747	205,929	363,778	338,203

*Note: The regional associations of the EEF have previously appeared in this table. They do not do so this year because of the merger of the regional associations to form EEF Ltd in Oct 2008 and because EEF Ltd was not required to submit its first annual return during this reporting period, its first year end being 31 December 2009 (See paragraph 4.17).

Appendix 6

TOTAL FUNDS		GROSS ASSETS				Total Liabilities	Number of Members
Beginning of the Year (c) £000's (6)	End of the Year £000's (7)	Fixed Assets £000's (8)	Investments £000's (9)	Other Assets £000's (10)	Total Assets £000's (11)		
21,452	22,466	135	29,773	45,870	75,778	53,312	204
57,099	55,379	8,836	73,016	8,588	90,440	35,061	2,987
(976)	757	3,043	0	8,506	11,549	10,792	14,184
5,676	6,345	1,022	2,068	18,379	21,469	15,124	1,379
1,278	1,789	540	0	9,178	9,718	7,929	105
90,066	68,712	15,962	57,697	9,085	82,744	14,032	114,397
6,263	5,727	3,841	5	6,074	9,920	4,193	3,890
4,677	3,201	2,113	0	2,437	4,550	1,349	8,643
(465)	(643)	784	1	1,934	2,719	3,362	2,349
1,176	1,179	21	62	3,352	3,435	2,256	120
305	314	1,948	0	13,866	15,814	15,500	160
4,187	3,875	4,404	0	1,585	5,989	2,114	12,533
2,278	4,668	36	0	5,814	5,850	1,182	6
5,630	6,096	2,112	2,426	2,533	7,071	975	17,444
1,553	599	232	0	5,583	5,815	5,216	374
(5,114)	(4,283)	62	0	1,397	1,459	5,742	76
3,024	2,299	76	1,811	1,677	3,564	1,265	148
3,756	4,398	2,755	50	2,359	5,164	766	1,155
4,411	4,987	6	686	6,404	7,096	2,109	301
180	178	43	0	630	673	495	101
5,494	4,585	2,998	381	1,914	5,293	708	677
22,155	18,219	5,918	12,150	2,923	20,991	2,772	6,664
1,497	1,510	383	962	684	2,029	519	8,654
235,602	212,357	57,270	181,088	160,772	399,130	186,773	196,551
44,846	38,876	18,703	27,696	18,314	64,713	25,837	19,651
20,405	19,028	3,918	11,233	12,435	27,586	8,558	9,703
300,853	270,261	79,891	220,017	191,521	491,429	221,168	225,905
325,194	350,769	99,539	238,537	221,027	559,104	208,335	224,454

Appendix 7

(see paragraph 5.4)

Trade Unions Maintaining Members' Superannuation Schemes at 31 March 2010

Note: an asterix denotes schemes exempt from the need for actuarial examination (see paragraph 5.5). The Unite the Union: Transport and General Workers Union scheme is exempt but is audited within the union's annual return each year.

GMB (BMS Section Members' Superannuation Fund)

National Union of Rail Maritime and Transport Workers (Orphan Fund)

Unite the Union: (5 schemes listed below)

AEEU Section Superannuation Scheme

Sheet Metal Workers Superannuation Fund*

Litho Printers' Section Superannuation Fund

Plate Preparers' Section Superannuation Fund*

TGWU Members/National Vehicle Builders Union Members' Superannuation Scheme *

Appendix 8

(see paragraphs 6.10 to 6.12)

Mergers completed during the period 1 April 2009 to 31 March 2010

Trade Union Transfers of Engagement

<i>Engagements transferred from</i>	<i>To</i>	<i>Transfer registered on</i>
UBAC	Advance	22 May 2009
Scarborough Building Society Staff Association (SOCASS)	Skipton Staff Association	1 September 2009
Association of Licenced Aircraft Engineers (1981)	Prospect	16 November 2009
Connect	Prospect	20 December 2009

Trade Union Amalgamations

<i>Amalgamating trade unions</i>	<i>Forming</i>	<i>Amalgamation registered on</i>
None		

Employers' Association Transfers of Engagement

<i>Engagements transferred from</i>	<i>To</i>	<i>Transfer registered on</i>
None		

Employers' Association Amalgamations

<i>Amalgamating employers' associations</i>	<i>Forming</i>	<i>Amalgamation registered on</i>
None		

Appendix 9

Political Funds of Trade Unions, 2008-2009

(See Paragraph 7.14)

	Number of Members contributing to the Political Fund	Number of Members not contributing to the Political Fund
	(1)	(2)
Aspect	3,874	266
Associated Society of Locomotive Engineers and Firemen	15,998	2,211
Association of Revenue and Customs	2,463	55
Bakers Food and Allied Workers Union	21,660	1,199
Broadcasting Entertainment Cinematograph and Theatre Union	24,874	748
Communication Workers Union	190,214	40,754
Community	25,759	3,598
Connect: The Union for Professionals in Communications	14,114	4,613
Educational Institute of Scotland	55,041	6,325
Energy and General Workers Union	15	0
Fire Brigades Union	35,326	9,291
GMB	573,867	27,264
Musicians Union	27,129	2,967
National Association of Colliery Deputies and Shotfirers	339	111
National Association of Schoolmasters Union of Women Teachers	226,427	95,715
National Union of Mineworkers	1,641	3,474
National Union of Rail Maritime and Transport Workers	69,862	10,179
POA	35,642	708
Prospect	78,625	23,354
Public and Commercial Services Union	279,038	21,186
Transport Salaried Staffs Association	27,124	1,955
Union of Construction Allied Trades and Technicians	92,810	38,049
Union of Democratic Mineworkers	2,199	0
Union of Shop Distributive and Allied Workers	352,348	18,415
UNISON: The Public Services Union	882,662	479,338

POLITICAL FUND (a)

Number of Members exempt from contributing to the Political Fund (3)	Income £ (4)	Expenditure £ (5)	Fund at Beginning of Year £ (6)	Fund at End of year £ (7)
0	13,175	9,820	13,079	16,434
368	113,667	138,240	229,952	205,379
55	7,056	0	122,044	129,100
0	74,075	79,826	11,793	6,042
166	40,768	42,001	9,429	8,196
29,241	1,000,209	1,068,913	96,515	27,811
2,913	278,000	205,000	100,000	173,000
4,613	51,027	12,079	76,919	115,867
2,067	152,421	16,764	1,385,671	1,521,328
0	32	450	451	33
8,097	278,449	230,855	1,043,257	1,090,851
27,264	2,925,000	2,553,000	3,000	375,000
691	69,597	39,502	27,451	57,546
111	1,962	669	22,074	23,367
10	108,282	98,788	3,096	12,590
118	37,680	29,975	116,068	123,773
388	216,000	234,000	146,000	128,000
4	64,155	70,154	41,304	35,305
305	56,000	10,000	432,000	478,000
787	333,725	204,684	227,723	356,764
1,703	144,206	109,550	107,602	142,258
17,510	286,000	229,000	207,000	264,000
0	1,098	553	7,281	7,826
18,415	1,801,000	1,999,000	1,140,000	951,000
14,817	5,653,000	4,472,000	3,550,000	4,731,000

Political Funds of Trade Unions, 2008-2009 cont.

(See Paragraph 7.14)

	Number of Members contributing to the Political Fund (1)	Number of Members not contributing to the Political Fund (2)
University and College Union	96,057	23,202
Unite the Union	1,155,395	480,088
Unity	5,536	335
Total for the 28 unions with political funds in this period	4,296,039	1,295,400
Total for the 28 unions with political funds in the previous period	4,403,041	1,466,673

Notes:

- (a) The information in the table is derived from annual returns received during 2009-10, the majority of which relate to the year ending December 2009.

POLITICAL FUND (a)

Number
of Members
exempt from
contributing
to the
Political Fund
(3)

Income
£
(4)

Expenditure
£
(5)

Fund at
Beginning
of Year
£
(6)

Fund at
End
of year
£
(7)

13,263

136,586

136,586

10,349

10,349

394,156

6,278,000

5,810,000

2,521,000

2,989,000

239

26,784

8,241

433,850

452,393

537,301**20,147,954****17,800,650****12,084,908****14,432,212**

478,921

18,112,409

18,756,333

12,728,895

12,084,971

Appendix 10

Current statutory fees applicable

Fees are set by the Secretary of State and were amended in Parliament by The Certification Officer (Amendment of Fees) Regulations 2005 (SI 2005/971) under the provisions of sections 108 and 293 of the Trade Union and Labour Relations (Consolidation) Act 1992.

	Current Fee
Application for entry in the list of trade unions	£150
Application for entry in the list of employers= associations	£150
Application for entry in the list of an amalgamated organisation where each amalgamating organisation was already entered	£41
Provision of a certificate of independence to an amalgamated union where each amalgamating organisation already had a certificate of independence	£41
Application for approval of a change of name	£96
Application for a certificate of independence	£4,066
Application for formal approval of an instrument of transfer of engagements or an instrument of amalgamation	£1,850
Inspection of merger documents	£19

Appendix 11

Certification Office Publications

The following Certification Office publications are available to be printed or downloaded from the Certification Officer's website: www.certoffice.org. Printed copies may also be obtained free of charge on application to the Office.

Independence: a guide for trade unions wishing to apply for a certificate of independence (2009)

Mergers: a guide to the statutory requirements for transfers of engagements and amalgamations of trade unions (2009)

Mergers: a guide to the statutory requirements for transfers of engagements and amalgamation of employers' associations (2009)

Political funds: a guide for trade unions and employers' associations wishing to establish a political fund (2009)

Political funds: a guide to review ballots (2009)

Financial Irregularities in trade unions and employers' associations: the approach of the Certification Officer in exercising his powers of investigation (2009)

Guidance on making a complaint to the Certification Officer against a trade union (2009)

Disclosure of identity of individuals making applications and complaints to the Certification Officer (2009)

Guidance on procedure at formal hearings of the Certification Officer (2009)

Freedom of Information Act: Certification Office Publication Scheme (2009)

Annual Reports of the Certification Officer

