

Annual Report of the Certification Officer

2015-2016



CERTIFICATION OFFICE
FOR TRADE UNIONS AND EMPLOYERS' ASSOCIATIONS

**Annual Report
of the Certification Officer
2015-2016**

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I am required by the Trade Union and Labour Relations (Consolidation) Act 1992 to submit to you both a report on my activities as the Certification Officer during the previous reporting period. I have pleasure in submitting such a report for the period 1 April 2015 to 31 March 2016.

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

DAVID COCKBURN
The Certification Officer
14 June 2016

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Introduction

This is the fortieth 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 2015 to 31 March 2016.

This is also my last Annual Report as I will retire on 30 June 2016. It has been both an honour and a pleasure to have served as the Certification Officer since 1 August 2001.

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;

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.

The Trade Union Act 2016 received royal assent on 4 May 2016, having been introduced into the House of Commons in July 2015. The Act, when fully implemented, will significantly impact on the role and work of the Certification Office. Amongst the more significant changes are:

- The Certification Officer will have new powers to investigate and determine breaches of certain statutory provisions without the need for a complaint from a member.
- The Certification Officer will have new powers to impose financial penalties up to £20,000 where an enforcement order is made or where there exists the power to make an enforcement order but one is not made.
- The Certification Officer will have new powers to enforce his or her own orders.
- Appeals from the Certification Officer to the Employment Appeals Tribunal will generally be on a point of fact or law. Presently all such appeals are only on a point of law.
- Trade unions will be under a duty to include significantly more information in their annual returns to the Certification Officer. In particular, trade unions will have to report on:
 - all industrial action undertaken by that trade union and all ballots relating to industrial action
 - all payments made by that trade union on political purposes and any other payment from its political fund if not made for a political purpose.
- The Certification Officer will have new powers to enforce these reporting requirements by way of declarations, orders and financial penalties.
- The law relating to the way members of trade unions contribute to the political funds of their unions is to be amended to favour a system of opting in rather than requiring members to opt out of making an otherwise automatic contribution. The changes that this will require to the political fund rules of trade unions will need to be approved by the Certification Officer.
- The majority of the costs of running the Certification Office are to be recouped by way of a levy on trade unions and employers’ associations. The scheme under which this levy is to operate will be the responsibility of the Certification Officer, subject to further consultation and regulations.

The purpose of these additional powers is said to be to enhance transparency and accountability. I was not, however, consulted on whether I had evidence of an unmet demand for further powers prior to the introduction of the Bill.

The regulation of the internal affairs of trade unions has hitherto been based on the premise that they are voluntary associations. Historically, the law has intervened to protect and support

the position of members. Thus it is the members who have the right to complain to the Certification Officer about an alleged breach of their rights under the rules of the union or an alleged breach of statute. The Trade Union Act is based on a different premise, namely that the public has an interest in the internal affairs of trade unions given the impact of some industrial action on the public. Accordingly, the right of the Certification Officer to investigate and initiate formal complaints against trade unions has been extended. The role of the Certification Officer will change from being mainly the adjudicator of members' complaints to become one with more general policing and enforcing responsibilities. This is not the role to which I was appointed in 2001.

This changed role is likely to have two main consequences. First, alleged breaches can be raised with the Certification Officer by anyone, not just members. If there appears to be anything in the issue raised, the Certification Officer has a discretion to take the matter further. My concern is that trade unions may find themselves subjected to a myriad of references to the Certification Officer by persons and/or organisations seeking to pursue them for industrial, political or other purposes and who have the motivation and money to put any given situation under a microscope. Each case will, of course, be dealt with on its merits by the Certification Officer but, at the very least, trade unions will have to bear the financial burden of contesting such cases and the levy imposed by the Certification Officer may be increased as a result.

My second concern is that, in the above circumstances, the Certification Officer will in effect be the investigator, prosecutor and adjudicator. This raises immediate issues of a fair trial, as required by Article 6 of the European Convention on Human Rights and the Human Rights Act 1998. The extended powers of the EAT to hear appeals on both law and fact is one answer to this problem but it is a cumbersome and expensive solution. A system of Chinese walls to separate the quasi-judicial role from all that goes before is something that I have begun to examine but it is a problem that my successor will wish to address.

I did not comment publicly on the Bill during its passage through Parliament other than to give evidence to a Select Committee of the House of Lords. I did not consider it appropriate to do so. However, upon the occasion of my retirement, I do consider that it is appropriate to raise some of my concerns in the hope that they may be overcome and the deserved reputation of the Certification Office for providing an independent, efficient, and proportionate service will be maintained. I wish my office and my successor well in their implementation of the new powers.

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 2015-2016 is 6,948,725. This represents a decrease of 61,802 members or 0.88% over the membership recorded in my last Annual Report. Within these figures, the number of non-contributing members as a percentage of the total members has increased to 8.2% from 7.9% in the previous year.

At the end of the previous reporting period there were 163 trade unions. At the end of this reporting period there were 158 trade unions. Whilst nine trade unions were removed from the list and schedule, four more were added. Of the nine which were removed, two ceased to exist due to a transfer of engagements and seven were dissolved or considered no longer to meet the statutory definition of a trade union.

The number of employers' associations also continues to decrease. At the end of this reporting period there were 92 employers' associations, a net reduction of one from the previous period. One ceased to exist but a new association carrying out similar functions was added to the schedule. Another ceased to exist altogether.

The general downward trend in the number of trade unions and employers' associations continues from the position in 1983 when there were 502 trade unions (now 158) and 375 employers' associations (now 92).

Over the past reporting year I determined 44 complaints. Of these, 38 complaints alleged that a union had breached its own rules. The other six related to alleged breaches of statute. A summary of these decisions can be found in Chapters 3, 4, 8 and 9 of this report. I determined a case which challenged the election of the general secretary of the GMB and a case challenging the election of the general secretary of Unison is pending. I also made enforcement orders against three unions. In one case, I required a member of the union's Executive Council to stand down and for there to be a further election. In another, I required a union to hold an election for the position of branch convenor. In the third, I required the president of a union to report certain disciplinary matters to the union's Executive Council.

Since the website of the Certification Office was absorbed into the government website GOV.UK it has continued to be the primary source for those interested in obtaining information about the work of the Certification Office. Along with each of my decisions and the decisions of my predecessors since 1975, it contains all the annual returns from trade unions and employers' associations since 2003. Those between 2003 and 2012 are available through a link to the National Archives. It also contains guidance on various aspects of my functions, copies or links to my Annual Reports back to 2001-2002 and a list of trade unions and employers' associations known to me. In addition it is possible to sign up on the website for e-mail updates of forthcoming hearings, my decisions and the work of the Certification Office.

This Annual Report relates to those annual returns received from trade unions and employers' associations between 1 April 2015 and 31 March 2016. Such annual returns must be lodged with me within five months of the end of their respective reporting period. Accordingly, the most recent annual returns are in respect of a reporting period ending in September 2015 and the oldest annual returns are in respect of a reporting period ending in October 2014 (see paragraph 4.1).

The Advisory, Conciliation and Arbitration Service (Acas) is required to provide 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. On 31 March 2016 there were seven staff in post in the Certification Office. The net cost of the Office for the year ending 31 March 2015 was £557,682. This represents a 0.5% decrease in the cost of running the office compared to the previous reporting period and a decrease of 16.9% since the period 2007-2008. My salary as Certification Officer at 31 March 2015 was £74,501 for a three-day week. This sum is pensionable at an additional cost to the public purse of £18,103. 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 30% of the Office's resources were allocated to work connected with the maintenance of the lists of trade unions and employers' associations, 42% to work relating to complaints and trade union finances, 21% to ensuring receipt of annual returns and their processing and the remainder to other matters including political funds, certification of independence and mergers. The growth in resources devoted to the maintenance of my lists is a reflection of the increased work associated with applications for listing as a trade union.

In my last report I mentioned that my office had to leave its premises in Euston Tower in March 2015 due to the premises having been found to be structurally unsafe. The temporary relocation to the Department for Business, Innovation and Skills in Victoria Street, London came to an end in January 2016. I remain grateful to my staff for the resilience they have shown in working to their usual high standard in what were challenging circumstances including two moves.

Where it is necessary to hold a hearing to determine a complaint I 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 £1,616.28. Assistance with legal costs is not available.

Mr Gerard Walker and Ms Christine Stuart continued to hold their appointments as Assistant Certification Officer and Assistant Certification Officer for Scotland respectively.

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.gov.uk/certificationofficer 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.

Finally, I wish to express my thanks to all my staff, both past and present, who have worked so diligently to maintain the high standing and high standards of the Certification Office. I particularly wish to thank Gerard Walker, my Assistant Certification Officer since 2002, whose knowledge and guidance has been invaluable. The support and friendship of my staff has contributed in no small way to the pleasure I have had in serving as the Certification Officer.

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 2016 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). 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 1.19 and 1.20). The Act does not impose any test of size or effectiveness but entry in the list 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 or unincorporated employer's association formed by the amalgamation of two or more trade unions or unincorporated employers' association which were already on the list (see paragraph 1.6).
- 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 981 of the Corporation Tax Act 2010). 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.gov.uk/certificationofficer.

Unions and employers' associations formed by amalgamation

- 1.6 Upon the amalgamation of two or more unions or unincorporated employers' associations listed in accordance with Chapter VII Part I of the 1992 Act, the amalgamated union or unincorporated employers' association shall automatically be listed by the Certification Officer when the instrument of amalgamation takes effect. The newly amalgamated union or unincorporated employers' association 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 or unincorporated employers' association, 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. At the end of this reporting period, the Certification Officer was aware of 13 trade unions and 39 employers' associations which met the statutory definitions but which had not sought to be listed. These are on the schedules to the relevant lists. There may be other organisations which meet the statutory definitions of a trade union or employers' association. 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 Certification 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.

Removal from the lists and schedules

- 1.8 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 the 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.

- 1.9 The table below gives the names of the nine trade unions and two employers' associations removed from the lists and schedules during the period 1 April 2015 to 31 March 2016. An asterisk denotes those which ceased to exist as a result of a merger. 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 Professional Ambulance Personnel
Bus Workers Alliance
Federation of Professional Railway Staff
National Association of Colliery Overmen Deputies and Shotfirers
(South Wales Area)
Pop-up Union
Staff Association of Bank of Baroda (UK Region)*
Union of Country Sports Workers
Unity (P)*

England and Wales – Scheduled

None

Scotland – Listed

Association of College Staff Scotland

Scotland – Scheduled

None

Employers' Associations

England and Wales – Listed

Co-operative Employers Association

England and Wales – Scheduled

British Ceramic Confederation

Scotland – Listed

None

Scotland – Scheduled

None

Additions to the lists and schedules

- 1.10 The table below gives the names of the four trade unions added to the list during the period 1 April 2015 to 31 March 2016. One employers' association was added to the schedule during this period.

Trade Unions

England and Wales – Listed

Aircrew Officers Association Europe
Cabin Crew Union UK
Cleaners and Allied Independent Workers Union (CAIWU)
European SOS Trade Union

England and Wales – Scheduled

None

Scotland – Listed

None

Scotland – Scheduled

None

Employers' Associations

England and Wales – Listed

None

England and Wales – Scheduled

Co-operative Employers Association Limited

Scotland – Listed

None

Scotland – Scheduled

None

Refusals to list

- 1.11 During this reporting period I refused to list one organisation that applied to be listed as a trade union on the grounds that it did not meet the statutory definition. This was an organisation called Equal Justice. My decision refusing to list this organisation is on the Certification Office website (Re Equal Justice (CO/L/1/15-16)).

The lists and schedules at 31 March 2016

- 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 and schedules as at 31 March 2016. They are reproduced as Appendices 1 and 2. The lists comprised 145 trade unions and 53 employers' associations whilst the schedules comprised 13 trade unions and 39 employers' associations.

Changes during the year are summarised in the tables below:

Listed trade unions and employers' associations

	<i>On lists at 31 March 2015</i>	<i>Changes between 1 April 2015 and 31 March 2016</i>		<i>On lists at 31 March 2016</i>
		<i>Additions</i>	<i>Removals</i>	
Trade Unions	150	4	9	145
Employers' Associations	54	0	1	53

Scheduled trade unions and employers' associations

	<i>On schedules at 31 March 2015</i>	<i>Changes between 1 April 2015 and 31 March 2016</i>		<i>On schedules at 31 March 2016</i>
		<i>Additions</i>	<i>Removals</i>	
Trade Unions	13	0	0	13
Employers' Associations	39	1	1	39

1.13 As at 31 March 2016 the total number of listed and scheduled trade unions and employers' associations is, therefore, as follows:

Listed and scheduled trade unions and employers' associations

	<i>Listed</i>	<i>Scheduled</i>	<i>Totals</i>
Trade Unions	145 (150)	13 (13)	158 (163)
Employers' Associations	53 (54)	39 (39)	92 (93)

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 Section 10(3) of the 1992 Act provides that trade unions cannot have corporate status. However, section 117 provides for an exception to preserve the position of those bodies which were already on the special register.
- 1.16 Special register bodies are also exempt from the requirement to conduct elections for the posts of president and general secretary where they are not voting members of the Executive. However, the voting members of the executive committee of special register bodies must be elected in accordance with the statutory provisions.
- 1.17 The following 13 special register bodies remain on the list of trade unions:
- Association for Clinical Biochemistry & Laboratory Medicine
 - 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
 - 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 one listed trade union and one employers' association, the details of which are given in the table below:

	<i>Effective Date</i>
<i>Trade Unions</i>	
<i>From</i> Whatman Staff Association	6 May 2015
<i>To</i> Whatman International Staff Association	
<i>Employers' Associations</i>	
<i>From</i> Local Government Yorkshire and Humber	25 June 2015
<i>To</i> Yorkshire and Humber (Local Authorities) Employers' Association	

Definition of a trade union

1.19 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

1.20 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."

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”.*

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 placed on the ‘News’ page of the Certification Officer’s website, www.gov.uk/certificationofficer, and is normally published in the London Gazette and/or the Edinburgh Gazette as appropriate. 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 Officer. The newly amalgamated union will, however, have its certificate of

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”.

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 1992 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 EAT 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. This position was considered by the Court of Appeal in the case of *Bone v North Essex Partnership NHS Foundation Trust* [2014] IRLR 635. The Court of Appeal held that a certificate of independence was retrospective in its effect for a reasonable period before the date of the certificate.

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. A copy of the guidance can be found on the Certification Officer's website and is available on request from the Office. 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 reporting period one certificate of independence was issued. This was to National Crime Officers Association. The certificate was issued on 4 June 2015.
- 2.9 An application for a certificate of independence was received from Artists' Union England on 24 March 2016. The certificate of independence was issued on 2 June 2016, outside this reporting period.

- 2.10 No formal reviews of existing certificates of independence were undertaken during the period.
- 2.11 Five certificates of independence were cancelled in this reporting period because the unions concerned had ceased to exist. These are set out below. Those marked with an asterisk ceased to exist as a result of a merger.

Association of Professional Ambulance Personnel
Federation of Professional Railway Staff
National Association of Colliery Overmen Deputies and Shotfirers
(South Wales Area)
Staff Association of the Bank of Baroda*
Unity*

- 2.12 On 31 March 2016 there were 98 unions which held certificates of independence, compared to 102 at the end of the last reporting period.

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") 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 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 1992 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 paragraphs 4.15 and 4.16). 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 1992 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's 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 ("a Companies Act auditor"). 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 There were no returns received by the Certification Officer during this reporting period containing an audit report in which the auditors gave a qualified opinion as to whether the return gave a true and fair view.
- 3.10 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.

- 3.11 With the exceptions already noted, the duties imposed by sections 28, 32 and 131 of the 1992 Act apply to all trade unions and employers' associations, whether or not listed under sections 2 or 123. Refusal or wilful neglect to perform any of them is an offence for which the organisation concerned may be prosecuted and fined. The Certification Officer is responsible for enforcing these provisions, but does not generally undertake prosecutions for offences such as theft or fraud which would normally be dealt with by other prosecuting authorities. However, the Certification Officer is able to appoint inspectors to investigate allegations of financial irregularities in the affairs of a trade union or employers' association (see paragraph 3.18 below).

Late submission of returns

- 3.12 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 (71%), their financial year coincides with the calendar year and ends on 31 December, but others differ. By 31 March 2016, all but one of the returns due had been received including the returns of trade unions representing more than 99.9% of members of those unions which are listed or scheduled. The annual returns of 8.7% of organisations were submitted more than three months after their due date.
- 3.13 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 an annual 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 1992 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.gov.uk/certificationofficer.

- 3.16 It is not a requirement that the statement to members is distributed individually. As an alternative, section 32A(2)(b) of the 1992 Act provides that 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 1992 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 1992 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 inspector(s) to investigate the organisation’s financial affairs and to report on them. However, the Certification Officer may only appoint inspector(s) 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 1992 Act in that respect.

- 3.19 Information suggesting circumstances where one or more of the situations described in paragraph 3.18 above 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 the Certification Office is of sufficient merit to warrant an approach to the body concerned. Where an approach is warranted, the matter is frequently resolved either through correspondence between the Certification 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 enquiries were in progress concerning allegations of financial irregularity in two trade unions, the National Union of Mineworkers (NUM) and the Union of Democratic Mineworkers (UDM). By the end of the period the Certification Officer had concluded his enquiries into the concerns raised about both unions. In both cases the Certification Officer did not consider it necessary to appoint an inspector to investigate.
- 3.22 In addition to the above two matters, new concerns were raised about the conduct of the financial affairs of four other unions: the British Association of Journalists (BAJ), Union of Construction Allied Trades & Technicians (UCATT), Accord and the National Union of Mineworkers (Northumberland Area). The Certification Officer made enquiries of each of the unions in relation to the matters raised. In the cases of the BAJ and Accord, the Certification Officer was satisfied with the response of the unions and did not consider it appropriate to use his statutory powers. In the case of UCATT and the NUM (Northumberland Area) the Office remained in contact with the unions regarding the issues at the end of the reporting period.
- 3.23 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. Of the four matters which concluded with no inspector appointed, one arose from concerns raised by a member of the union concerned.
- 3.24 During this reporting period, the Certification Officer did not find it was 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

- 3.25 Copies of the annual returns and the rules of trade unions and employers' associations from 1974 onwards are available for public inspection. The returns of existing organisations are available at the Certification Office or, where appropriate, the Office of the Assistant Certification Officer for Scotland. The returns of former trade unions and employers' associations are mainly kept at The National Archive where they are also publicly available for inspection. Also available for public inspection (with notification of one week) 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.
- 3.26 The annual returns of trade unions and employers' associations submitted in this reporting period are available on the Certification Officer's website, www.gov.uk/certificationofficer.

Access to accounting records

- 3.27 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.
- 3.28 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, so far as reasonably practicable, determine it within six months of it being made.
- 3.29 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.

- 3.30 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 in 2015-2016

- 3.31 In this reporting period the Certification Officer concluded the complaint that was outstanding from the previous reporting period, *Mills v Unite the Union* (D/38/15-16). Following two hearings, one in April 2015 and one in November, the Certification Officer upheld the complaint and ordered the Union to give the claimant access to the accounting records specified in the order. In his decision the Certification Officer gave further consideration to the meaning of the term 'accounting records' in section 30 of the 1992 Act. He concluded that the meaning is as he determined it to be in earlier cases (see paragraph 3.33 below). This decision was appealed by the union to the EAT. The appeal remained pending at the end of this reporting period.
- 3.32 Two new complaints of a breach of section 30 of the 1992 Act were received during this reporting period, both against Unite the Union. In *Fletcher v Unite the Union*, the union offered to provide the claimant with access to the records requested following correspondence with the Certification Office. The claimant withdrew the complaint during the next reporting period upon accepting this offer. In the other case, *Fernandez-Castillo & others v Unite the Union*, the claimants raised complaints of breach of rule as well as a breach of section 30. Following a preliminary hearing and case management discussion, this case was to be listed for hearing after the end of this reporting period.
- 3.33 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). Copies of all decisions made by the Certification Officer are available on the Certification Officer's website: www.gov.uk/certificationofficer. Hard copies of decisions can be obtained free of charge upon request to the Certification Office.

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 union membership registers.

Annual Returns received in 2015-2016

- 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 2015 and 31 March 2016. 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 2014 and September 2015. However, the majority (71%) of returns are for unions or employers' associations with accounting periods ending 31 December 2014.
- 4.2 A total of 251 trade unions and employers' associations submitted returns for this period. These were made up as follows:
- | | |
|-----|-----------------------------------|
| 146 | Listed trade unions |
| 14 | Scheduled trade unions |
| 55 | Listed employers' associations |
| 36 | Scheduled employers' associations |

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

The number of unions and employers' associations which submit annual returns in any given reporting year is seldom the same as the number of unions and associations on the list as at the end of the reporting year. This is because organisations which have ceased to exist still have to submit an annual return and new organisations may not have to submit a return until the next reporting period.

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 annual returns received during 2015-2016. Details are shown for the 13 trade unions with more than 100,000 members.

4.4 The statistics in Appendix 4 are based on returns from 160 listed and scheduled unions. This is the same number as reported in the Annual Report for 2014-2015, but not necessarily all the same unions as some ceased to exist and other new unions reported for the first time.

4.5 The trade unions from which returns were received, recorded a total membership of 6,948,725. The 13 unions with a membership of over 100,000, accounted for 5,866,030 members or 84.4% 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	29	788	18.1	18.1	0.0	0.0
100-499	26	6,994	16.3	34.4	0.1	0.1
500-999	14	9,992	8.8	43.1	0.1	0.3
1,000-2,499	27	43,339	16.9	60.0	0.6	0.9
2,500-4,999	12	48,274	7.5	67.5	0.7	1.6
5,000-9,999	9	70,124	5.6	73.1	1.0	2.6
10,000-14,999	3	35,651	1.9	75.0	0.5	3.1
15,000-24,999	12	245,064	7.5	82.5	3.5	6.6
25,000-49,999	11	371,463	6.9	89.4	5.4	12.0
50,000-99,999	4	251,006	2.5	91.9	3.6	15.6
100,000-249,999	6	993,572	3.8	95.6	14.3	29.9
250,000 and over	7	4,872,458	4.4	100.0	70.1	100.0
Total	160	6,948,725	100.0	100.0	100.0	100.0

4.6 The trade union membership of 6,948,725 recorded in this annual report compares to 7,010,527 reported in the previous annual report. This indicates a decrease of 61,802 members or 0.88%. The total recorded membership of around 7 million compares with a peak of 13.2 million in 1979, a fall of about 47%.

4.7 The following table shows the trade unions whose membership has increased or decreased by 5,000 members or more since the previous reporting period.

Trade Union: Changes in Membership over 5,000 members

	<i>Total Membership</i>		
	<i>2014-2015</i>	<i>2013-2014</i>	<i>% changes</i>
<i>Increases</i>			
GMB	625,643	617,064	+1.4
Royal College of Nursing	429,414	421,558	+1.9
<i>Decreases</i>			
Union of Construction, Allied Trades and Technicians	61,229	86,983	-29.6
Public and Commercial Service Union	231,323	247,345	-6.48
Association of Teachers and Lecturers	189,479	198,102	-4.4
National Union of Teachers	376,208	387,610	-2.94
UNISON: The Public Service Union	1,270,248	1,282,560	-0.96

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 91.7% of the total number of members. This compared to 92.1% 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 The Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (“the Lobbying Act”) introduced new provisions relating to the membership register of trade unions. Most of these provisions took effect from 6 April 2015. They impose a requirement on trade unions to submit to the Certification Officer annually a Membership Audit Certificate compiled by an

independent “assurer” at the same as the union’s annual return. The Membership Audit Certificate will provide the assurer’s opinion as to whether the trade union’s system for compiling and maintaining its register of the names and addresses of its members was satisfactory so as to secure, so far as is reasonably practicable, that the entries in its register were accurate and up-to-date throughout the reporting period. The Lobbying Act also provides further powers to the Certification Officer to investigate concerns that the provisions of section 24 of the 1992 Act are not being or have not been complied with by a trade union. These powers came into force on 1 June 2016, outside this reporting period.

- 4.11 During the period 1 April 2015 to 31 March 2016, the Certification Officer received one new complaint that a trade union, UCATT, had breached section 24 of the 1992 Act. At the end of the period the Certification Officer was still making enquiries in relation to this complaint.

Finance

- 4.12 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.
- 4.13 From the returns received during this reporting period, the gross income of trade unions was £1,227.89 million, an increase of 3.4% on that recorded by unions in the previous year. Income from members rose by 3.3% to £906.66 million. Income from investments fell by 11.9% and income from other sources rose by 6.5%.
- 4.14 Gross expenditure by unions during this reporting period rose by 17.9% to £1,221.68 million, while at the end of the reporting period total funds (net assets) amounted to £1,069.35 million, an increase of 0.6% over the previous period.

Salaries and benefits

- 4.15 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 14.3% of unions paid a salary to their general secretary of over £100,000; 21.8% paid between £60,001 and £100,000; 16.8% paid between £30,001 and £60,000; and 11.8% paid up to £30,000; while the general secretaries of the remaining 35% did not receive a salary. Six unions (4%), although paying no salary to their general secretary, did provide an honorarium or other benefits.

- 4.16 Appendix 5 gives information on the salary and benefit payments in respect of each union which makes a payment to its 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

- 4.17 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 each of the 24 employers' associations (including scheduled associations) with total income of more than £2,500,000.
- 4.18 The statistics in Appendix 6 are based on returns from 91 employers' associations received in this reporting year compared with returns from 95 associations received in the reporting year for 2014-2015.
- 4.19 From the returns received in this period, the figures show the gross income of employers' associations was £544.60 million compared with £463.62 million recorded for the previous year, an increase of 17.5%. Income from members fell by £7.06 million to £187.85 million, a decrease of 3.6%. Income from investments rose from £14.64 million to £29.03 million, an increase of 98.2%. This included exceptional in year gains by two of the major employers' associations (see Appendix 6). Other income increased from £254.08 million to £327.73 million an increase of 29.0%. During the same period, expenditure rose from £422.99 million to £489.84 million, a increase of 15.8%.
- 4.20 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 employers' associations amounted to £388.24 million, an increase of £42.23 million (12.2%) over the figure reported for the previous period.
- 4.21 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 section 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' association 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 Certification Office continues to ensure that these requirements are not overlooked.
- 5.3 Where appropriate, actuarial reports received by the Certification Officer may be sent to the Government Actuaries Department (GAD) for its specialist comment. The views of GAD are passed on to the union.

²In 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 eight 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, four schemes had assets of over £500,000 and only the scheme of the National Union of Rail Maritime and Transport Workers covered more than 10,000 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. There are three schemes which have been granted exemption on these grounds (see Appendix 7). During this reporting year, no application was made for exemption of any of the schemes.

Actuarial reports received in 2015-2016

- 5.6 An actuarial report on the Litho Printers Superannuation Fund, a members' superannuation scheme operated by Unite the Union, was due and received during this period. There were no outstanding reports due at the end of the period. Three schemes operated by two unions are due to provide actuarial reports in the following period. They are the RMT Orphan Fund operated by the National Union of Rail Maritime and Transport Workers, and the BMS Section Members' Superannuation Fund and BAeSSA Members Superannuation Fund both operated by Unite the Union. These schemes are due to report to the Certification Officer by 31 December 2016.

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. During this reporting period, there were two transfer of engagements involving trade unions and no amalgamations of unions.

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. 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 transfer or amalgamation 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, 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 on the Certification Officer’s website, www.gov.uk/certificationofficer or on request from this office.

- 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 are 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 currently a right of appeal against the Certification Officer's decision to the Employment Appeal Tribunal on a point of law. When the relevant provisions of the Trade Union Act 2016 take effect an appeal will be possible on any question of law or fact. 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 for a prescribed fee (see Appendix 10).

Trade unions formed by an 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 are available on the Certification Officer's website, www.gov.uk/certificationofficer, or may be obtained free of charge from the Certification Office. The Office will offer guidance where needed on the statutory provisions and staff are always prepared to meet officials of organisations considering a merger to discuss procedures and timetables.

Mergers during the period 2015-2016

- 6.10 During this reporting period, there were two transfers of engagements involving trade unions. There were no amalgamations.
- 6.11 The two registered transfers of engagements were – Unity which transferred to GMB and Staff Association of the Bank of Baroda which transferred to Unite the Union. These involved an estimated total of 4,080 members of the transferring unions. Details are given at Appendix 8.
- 6.12 During the period 1 April 2015 to 31 March 2016, the Certification Officer received no complaints relating to either 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 2015 to 31 March 2016.

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 1992 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 Certification Office gives advice on the procedures for establishing political funds and for holding review ballots. Guidance booklets which include model rules are available on the Certification Officer's website, www.gov.uk/certificationofficer or on request from the Certification Office. 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

7.9 During this reporting period one trade union, the Society of Radiographers, received formal approval of its political fund ballot rules. The union held a ballot under those rules which approved a political resolution by a majority of 93% for and 7% against. Subsequently, outside this reporting period, I approved the political fund rules of this union.

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 this reporting period one such amalgamation was registered being the transfer of engagements of Unity to GMB.

Political fund resolutions in force

7.11 As at 31 March 2016, there were 24 unions which had political fund resolutions in force. This is a net decrease of one from the number that was reported last year. The Society of Radiographers passed a new political fund resolution (see paragraph 7.9) but two unions ceased to have political funds. Unity ceased to exist as a result of its transfer of engagements to GMB (see paragraph 7.10) and the National Association of Colliery Overmen Deputies and Shotfirers notified the Certification Officer of the closure of its political fund (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, three 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 results of the ballots they conducted are as follows:

Results of political fund review ballots

	<i>Yes %</i>	<i>No %</i>
Public and Commercial Services Union	91.3	8.7
National Union of Mineworkers	91.5	8.5
Union of Construction, Allied Trades and Technicians	97.2	2.8

Political fund resolutions lapsed

7.13 During this reporting period the National Association of Colliery Overmen Deputies and Shotfirers closed its political fund and allowed its political fund resolution to lapse.

Political funds of trade unions at 31 March 2016

7.14 Detailed statistical information about the political funds of trade unions is set out in Appendix 9. The statistics are derived from the 25 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 2014 and September 2015 (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. This is because there are those unions which submitted a final return within the reporting period but which, by the end of the period, had either dissolved their political fund or ceased to exist.

7.16 Annual returns received during the period 1 April 2015 to 31 March 2016 contain information derived from annual returns with accounting periods which mainly end in December 2014 (see paragraph 4.1). The relevant annual returns show the total income of political funds as £24.55 million compared with £23.97 million reported during the

period 2014-2015, an increase of 2.42%. The total expenditure from political funds was £20.65 million compared with £19.89 million in the preceding year, an increase of 3.82%. The returns received within the period also show that the total value of political funds during the reporting period was £33.03 million. This is an increase of £3.89 million (13.35%) from the £29.14 million reported in 2014-2015.

Political fund membership

7.17 Appendix 9 also gives information about contributing numbers 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 4,859,578 compared with 4,954,606 reported in 2014-2015, a decrease of 95,028 members or 1.9%.

Exemption notices

7.18 Exemption notices (see paragraph 7.3) are obtainable from the organisation concerned or from the Certification Office. The Certification Office supplied three such notices during the period 1 April 2015 to 31 March 2016. The annual returns recorded 651,140 members who belong to unions with a political fund but 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. One trade union, the Public and Commercial Services Union, had amendments approved in this way during the period 1 April 2015 to 31 March 2016.

Political fund complaints

7.20 During the period 1 April 2015 to 31 March 2016, the Certification Officer received no complaints relating to political funds of trade unions.

The Trade Union Act 2016

7.21 When the relevant provisions of the Trade Union Act 2016 take effect there will be significant amendment to the provisions relating to opting out/opting in to the political fund and the level of detail that trade unions must report to the Certification Officer on their expenditure from the political fund.

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 1992 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 accepted. 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 Guidance and Forms section of the Certification Officer's website, www.gov.uk/certificationofficer.
- 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 £1,616.28.
- 8.8 Appeals on any question of law arising in proceedings before or arising from a determination by the Certification Officer may currently be made to the Employment Appeal Tribunal (EAT). When the relevant provisions of the Trade Union Act 2016 take effect appeals will be possible on both points of fact and law.
- 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 2015 to 31 March 2016, the Certification Officer determined an application relating to the election of the General Secretary of the GMB (Henderson v GMB (D/39-43/15-16)). Mr Henderson alleged four breaches of section 47(1) of the 1992 Act and one breach of the rules of the GMB. The Certification Officer dismissed all five complaints. Mr Henderson has appealed this decision to the EAT.

- 8.12 During this reporting period the Certification Officer received multiple applications regarding the election of the General Secretary of Unison. These applications were outstanding at the end of this reporting period.
- 8.13 Also during this reporting period the Certification Officer received an application regarding the election of the General Secretary of the United Road Transport Union, alleging breaches of sections 46(1) and 47(1) of the 1992 Act and a breach of the union's rules. The Certification Officer's enquiries into this application were still continuing at the end of the reporting period.

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 1992 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 written reasons for his decision 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). When the relevant provisions of the Trade Union Act 2016 take effect appeals will be possible on both points of fact and law.

Applications and decisions

- 9.8 In this reporting period, the Certification Officer determined the applications of breach of rule against seven unions that were described in last year's annual report as being outstanding from the previous reporting period.
- 9.9 The Certification Officer received eleven new applications against seven unions relating to alleged breaches of union rule in this reporting period. Three of these applications were determined in this reporting period.
- 9.10 As of 31 March 2016, eight applications of breach of rules remained to be determined.
- 9.11 The Certification Officer determined 38 complaints on 13 applications of breach of rule during the period 1 April 2015 to 31 March 2016. Eleven declarations were made that a union had breached or threatened to breach its rules and four enforcement orders were issued. In nine 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:-
 - **Murray v Unite the Union (D/20/15-16)**
Mr Murray made a complaint alleging that the union had breached one of

its rules in relation to the election of the Scottish Regional representative to its Executive Council that took place in 2015. The Certification Officer upheld the complaint. He ordered that the incumbent should forthwith cease to hold office and that there be a further election.

- **Rowlandson v UNISON: The Public Service Union (D/30-35/15-16)**
Mr Rowlandson made five complaints alleging that the union had breached its rules in relation to branch elections and one complaint in relation to disciplinary procedures. The Certification Officer upheld four of the complaints and made an enforcement order requiring the union to hold an election for branch convenor in the United Utilities Section.
- **Radford v Equity (D/27-29/15-16)**
Mr Radford made three complaints alleging that the union had breached its rules in relation to disciplinary procedures. The Certification Officer upheld two of the complaints and made enforcement orders requiring the general secretary and the president of the union to report certain disciplinary matters to the union's Executive Council.
- **Henderson v GMB (D/39-43/15-16)**
Mr Henderson made five complaints relating to the union's election for the position of General Secretary. These included four alleged breaches of section 47(1) of the 1992 Act and an alleged breach of the rules of the union. The Certification Officer dismissed all five complaints. Mr Henderson has appealed this decision to the EAT.
- **Stevens v Union of Democratic Mineworkers (D/13-17/15-16)**
The claimant brought five complaints alleging breaches of rule relating to five matters. The Certification Officer upheld two of the complaints but did not make an enforcement order.
- **Beaumont and Mansell v Unite the Union (D/2-6/15-16)**
The claimants brought five complaints. One complaint related to eligibility to sit on its Executive Council and was upheld. The other four related to the Executive Council election in 2014. Two of these complaints were upheld and two were dismissed. The Certification Officer did not make any enforcement orders.
- **Sweeney v Union of Construction, Allied Trades and Technicians (No 2) (D/36-37/15-16)**
Mr Sweeney brought two complaints in which he alleged that UCATT had breached its rules in not paying travel expenses to attend an appeal hearing before the General Council of UCATT. The complaints were struck out under section 256ZA(1)(a) of the 1992 Act on the grounds that they had no reasonable prospect of success and/or were otherwise misconceived.

- 9.12 Copies of all decisions made by the Certification Officer are available on the Certification Officer's website: www.gov.uk/certificationofficer. Hard copies of decisions can be obtained free of charge upon request to the Certification Office.
- 9.13 In the period 1 April 2014 to 31 March 2015, a total of 552 enquiries were received. These fall under the following broad headings:
- | | |
|--|-----|
| General advice on the role of the Certification Officer | 49 |
| Issues relating to the listing of trade unions and employers' associations | 62 |
| Enquiries about annual returns and financial issues | 157 |
| Certificates of independence | 19 |
| Appointment, election or dismissal from any office in the union | 26 |
| Disciplinary proceedings within the union | 17 |
| Balloting of union members (other than industrial action) | 9 |
| Political funds | 22 |
| Statutory elections | 12 |
| Inadequate representation of members by their union | 100 |
| Others | 79 |
| Total | 552 |
- 9.14 There was a slight increase of ten enquiries in the current reporting period compared to the figure reported in 2014-15.
- 9.15 Not all enquires made could result in applications to the Certification Officer. For example the Certification Officer has no jurisdiction regarding alleged 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 2016

Notes:

Italics Denotes a trade union first entered in the list during 1 April 2015 to 31 March 2016.

* Denotes a trade union holding a certificate of independence at 31 March 2016.

(P) Denotes a trade union with a political fund resolution in force at 31 March 2016.

England and Wales

- * Accord
- * Advance
- * Affinity
- Aircrew Officers Association Europe*
- Alliance for Finance
- Artists' Union England
- ASPSU
- * Associated Society of Locomotive Engineers and Firemen (P)
- * Associated Train Crew Union
- * Association for Clinical Biochemistry & Laboratory Medicine, The
- * Association of Educational Psychologists
- * Association of Local Authority Chief Executives
- * Association of Principal Fire Officers
- * 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
- BLUECHIP STAFF ASSOCIATION
- Boots Pharmacists' Association (BPA)
- * Britannia Staff Union
- * British Air Line Pilots Association
- * 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 Trade Union
- * Broadcasting Entertainment Cinematograph and Theatre Union (P)

Cabin Crew Union UK

- * Chartered Society of Physiotherapy
- City Screen Staff Forum
- Cleaners and Allied Independent Workers Union (CAIWU)*
- * Communication Workers Union (P)
- * Community (P)
- Currys Supply Chain Staff Association (CSCSA)

Driver and General Union

- * Ellington Branch of the North East Area of the National Union of Mineworkers
- Employees General Union
- Employees United
- Equality for Workers Union (EFWU)
- * Equity (Incorporating the Variety Artistes Federation)
- European SOS Trade Union*

- * FDA
- * Fire Brigades Union (P)
- * Fire Officers Association

G4S Care and Justice Services Staff Association

General Federation of Trade Unions

- * GMB (P)
- * Guild of Professional Teachers of Dance, Movement to Music and Dramatic Arts

Headmasters and Headmistresses Conference

- * Hospital Consultants and Specialists Association

- * IBOA The Finance Union

- * ISU

- * Independent Democratic Union
- * Independent Pilots Association
- * Independent Workers Union of Great Britain (IWGB)
- * Industrial Workers of the World
- Institute of Football Management and Administration
- * Institute of Journalists (Trade Union)

Leeds Building Society Staff Association

- * Leek United Building Society Staff Association
- Leicestershire Overmen Deputies and Shotfirers Association
- Locum Doctors Association

- * Musicians Union (P)
- Myunion

- * NAPO – the Trade Union and Professional Association for Family Court and Probation Staff
- * National Association of Colliery Overmen Deputies and Shotfirers
- * 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 Crime Officers Association
- 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 (Leicester Area)
- National Union of Mineworkers (Northumberland 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
- News Union
- North of England Zoological Society Staff Association

- Palm Paper Staff Association
- * PDA Union
- * POA (P)
- * PPU
- * Prison Governors Association
- Professional Cricketers Association
- Professional Footballers Association
- * Prospect (P)
- PTSC
- * Public and Commercial Services Union (P)

- R&C Trade Union
- * Retail Book Stationery and Allied Trades Employees Association
- * Retained Firefighters Union
- * Royal College of Midwives
- * Royal College of Nursing of the United Kingdom
- RSPB Staff Association
- Rugby Players Association

- * Sales Staff Association
- Shield Guarding Staff Association
- * SKYSHARE
- * Social Workers Union (SWU)
- * Society of Authors
- * Society of Chiropractors and Podiatrists
- * Society of Radiographers (P)
- * Society of Union Employees (UNISON)
- * Staff Union West Bromwich Building Society

- * Transport Salaried Staffs Association (P)

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

- * Voice

- Warwick International Staff Association
- Welsh Rugby Players Association
- Whatman International Staff Association
- * Workers of England Union
- * Workers Uniting
- * Writers Guild of Great Britain

Notes:

Italics Denotes a trade union first entered in the list during 1 April 2015 to 31 March 2016.

* Denotes a trade union holding a certificate of independence at 31 March 2016.

(P) Denotes a trade union with a political fund resolution in force at 31 March 2016.

Scotland

- * Aegis the Union
- * Association of Head Teachers and Deputes in Scotland

- * Educational Institute of Scotland (P)

- Independent Federation of Nursing in Scotland

- Scottish Artists Union
- * Scottish Secondary Teachers' Association
Solidarity

- * United and Independent Union

Notes:

Italics Denotes a trade union first entered in the list during 1 April 2015 to 31 March 2016.

* Denotes a trade union holding a certificate of independence at 31 March 2016.

(P) Denotes a trade union with a political fund resolution in force at 31 March 2016.

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 2016.

Notes:

(≠) Denotes 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

Employees Representatives

Federation of Entertainment Unions

International Transport Workers Federation

National Union of Mineworkers (North East Area)

Society of Local Council Clerks

Trades Union Congress

Scotland

National Union of Mineworkers (Scotland Area)

National Union of Mineworkers (Scottish Area)

Professional Footballers Association Scotland

Scottish Colliery Enginemen Boilermen and Tradesmens Association

Appendix 2

(See paragraph 1.12)

List of Employers' Associations at 31 March 2016

England and Wales

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

British Amusement Catering Trades Association

British Lace Federation

British Printing Industries Federation

Builders Merchants Federation Ltd

Building & Engineering Services Association

Cinema Exhibitors Association Ltd

Construction Plant-Hire 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

Lancashire Textile Manufacturers Association

Lancaster Morecambe and South Lakeland Master Plumbers Association

Leather Producers Association

London Councils

Mastic Asphalt Council

National Association of Farriers Blacksmiths and Agricultural Engineers
National Association of Master Bakers
National Farmers Union
National Federation of Retail Newsagents
National Hairdressers Federation Ltd
National Trainers Federation
North East Regional Employers Organisation for Local Authorities
North Western Local Authorities Employers Organisation

Producers Alliance for Cinema and Television

Retail Motor Industry Federation Ltd

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

Thermal Insulation Contractors Association

UK Fashion and Textile Association Ltd

Vehicle Builders and Repairers Association Limited

West Midlands Employers

Yorkshire and Humber (Local Authorities) Employers' Association

Scotland

Electrical Contractors Association of Scotland
Employers in Voluntary Housing Limited

Graphic Enterprise Scotland

Malt Distillers Association of Scotland

NFU Scotland

Scottish Decorators Federation
Scottish Engineering
Scottish and Northern Ireland Plumbing Employers Federation

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 2016.

Notes:

Italics Denotes an employers' association added to the schedule during 1 April 2015 to 31 March 2016

England and Wales

Association of Colleges

BFM Limited

British Allied Trade Federation

British Footwear Association

British Printing Industries Federation Ltd

British Travelgoods and Accessories Association

Chemical Industries Association Ltd

Confederation of Paper Industries Ltd

Co-operative Employers Association Limited

Dairy UK

East Midlands Councils

Fencing Contractors Association

Freight Transport Association

Incorporated Guild of Hairdressers Wigmakers and Perfumers

Improvement and Development Agency

London Association of Funeral Directors

Master Carvers Association

Metal Packaging Manufacturers Association

National Federation of Roofing Contractors Ltd

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

Society of London Theatre “SOLT”
South West Councils

UK Theatre Association
Universities and Colleges Employers Association

Scotland

Angus and Kincardine Master Plumbers Association

British Packaging Association
Banff and Moray Master Plumbers Association

Fife and Kinross Master Plumbers 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
Scottish Motor Trade Association Limited
SNIPEF Edinburgh and District Branch
SNIPEF Glasgow and West of Scotland

Appendix 3

(see paragraphs 2.8 to 2.12)

Decisions on Trade Union Independence during the period 1 April 2015 to 31 March 2016

Number of Certificates of independence in force as at 31 March 2015

102

Certificates of independence issued

National Crime Officers Association

Certificates of independence refused

None

Certificates of independence withdrawn

None

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

Association of Professional Ambulance Personnel

Federation of Professional Railway Staff

National Association of Colliery Overmen Deputies and Shotfirers (South Wales Area)

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

Staff Association of the Bank of Baroda

Unity

Applications in progress

Artists' Union England

Number of Certificates of independence in force as at 31 March 2016

98

Appendix 4

Summary of Statistics – Trade Unions, returns received during the period 1 April 2015 to 31 March 2016

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 www.gov.uk/certificationofficer or copies can be 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 2014, the table includes returns from trade unions with year ending dates ranging from October 2014 to September 2015 and therefore due in this Office between 1 April 2015 and 31 March 2016.

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, 2014-2015

(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	1,405,838	158,633	2,217
UNISON: The Public Service Union	1,270,248	167,727	399	9,127	177,253
GMB	625,643	63,422	1,698	1,586	66,706
Union of Shop Distributive and Allied Workers	434,622	39,885	2,146	4,555	46,586
Royal College of Nursing of the United Kingdom	429,414	48,042	223	2,614	50,879
National Union of Teachers	376,208	36,746	1,963	6,072	44,780
National Association of Schoolmasters Union of Women Teachers	330,485	28,772	755	2,524	32,051
Public and Commercial Services Union	231,323	26,648	2,913	9,987	39,549
Communication Workers Union	197,462	30,415	168	859	31,442
Association of Teachers and Lecturers	189,479	16,797	166	5,743	22,706
British Medical Association	154,603	45,900	2,262	87,632	135,794
Prospect	115,258	16,304	789	106	17,199
University and College Union	105,447	20,554	23	2,282	22,858
Total for above unions with 100,000 members or more	5,866,030	699,844	15,721	144,240	859,805
Total for 133 other listed unions with less than 100,000 members	1,076,279	185,249	18,987	77,798	282,034
Total for listed unions	6,942,309	885,093	34,709	222,037	1,141,839
Trades Union Congress	52	15,463	3,649	19,130	38,242
Total for 13 other unlisted unions which have submitted returns	6,364	6,105	999	40,707	47,810
Total for all unions 2014-2015	6,948,725	906,661	39,356	281,875	1,227,892
Total for all unions 2013-2014	7,010,527	877,887	44,668	264,608	1,187,162

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)
129,945	80,416	122,474	112,396	47,146	84,056	243,598	121,124
202,748	124,807	99,312	102,653	7,630	138,612	248,895	149,583
71,807	46,458	41,357	30,753	18,671	24,713	74,137	32,780
53,936	18,071	10,721	8,176	46,826	14,951	69,953	59,232
44,404	12,636	19,111	0	16,910	12,851	29,761	10,650
39,414	42,878	48,245	21,826	9,834	24,583	56,243	7,998
37,382	31,374	26,043	21,994	13,597	7,333	42,924	16,881
45,595	12,469	6,423	12,821	1,285	5,787	19,893	13,470
29,624	18,878	20,696	18,166	5,381	16,967	40,514	19,817
12,422	9,662	19,946	9,147	4,551	11,741	25,439	5,493
140,451	114,966	110,309	11,755	101,091	46,693	159,539	49,230
24,692	26,755	19,262	15,328	17,538	3,907	36,773	17,511
16,702	18,236	24,392	15,641	112	16,700	32,454	8,062
849,122	557,607	568,291	380,656	290,572	408,893	1,080,122	511,831
289,560	377,776	370,250	129,873	276,708	113,999	520,581	150,331
1,138,682	935,383	938,540	510,530	567,280	522,893	1,600,702	662,162
28,278	19,388	29,352	392	12,347	13,091	25,830	(3,522)
54,722	108,364	101,452	29,865	68,952	25,599	124,416	22,964
1,221,681	1,063,134	1,069,345	540,786	648,579	561,583	1,750,948	681,604
1,036,227	912,236	1,063,171	523,880	609,818	534,598	1,668,296	605,125

Appendix 5

(see paragraph 4.16)

Salary and Benefits of Trade Union General Secretaries

	<i>Title</i> (General Secretary unless otherwise stated)	<i>Salary</i> £	<i>Benefits</i> £
England and Wales			
Accord		124,844 (a)	11,334
Advance		14,497	3,063
Affinity		93,000	29,063
Associated Society of Locomotive Engineers and Firemen		89,726	21,939
Association of Educational Psychologists		63,571	7,855
Association of School and College Leaders		127,472	22,572
Association of Teachers and Lecturers		120,441	20,053
Association of Trade Union Political and Public Sector Staff			100 (b)
Bakers, Food and Allied Workers' Union		46,362	15,340
Bluechip Staff Association		18,496	0
Boots Pharmacists' Association (BPA)	Chief Executive Officer		16,718 (b)
Britannia Staff Union	General Secretary and Chairman	11,000 (c)	0
British Air Line Pilots Association		120,353	27,293
British Association of Colliery Management – Technical Energy and Administrative Management (BACM – TEAM)		74,404	181,960 (d)
British Association of Dental Nurses	Chief Executive	45,000	3,324
British Association of Journalists		30,000	0
British Dental Association		75,000	0
British Medical Association	Chairman	30,000	0
Broadcasting Entertainment Cinematograph and Theatre Union		67,633	7,011
Chartered Society of Physiotherapy	Chief Executive	110,000	19,690
Communication Workers Union		95,572	300
Community		106,842	28,869

Confederation of Shipbuilding and Engineering Unions		77,932	26,032
Curry's Supply Chain Staff Association (CSCSA)		28,073	5,497
Equity (Incorporating the Variety Artistes' Federation)		79,162	27,445
FDA		96,566	28,291
Fire Brigades Union		71,514	53,678
Fire Officers' Association	Chief Executive	37,370	1,401
G4S Care and Justice Services Staff Association	Staff Association Officer	34,081	6,112
General Federation of Trade Unions		65,694	9,919
GMB		97,000	24,000
Guild of Professional Teachers of Dance, Movement to Music and Dramatic Arts		13,792	0
Headmasters' and Headmistresses' Conference		110,340	16,889
Hospital Consultants and Specialists Association	Chief Executive	82,506	8,692
IBOA The Finance Union		€132,455	€58,473
Independent Democratic Union	National Secretary	52,625	10,063
Independent Pilots Association		37,384	0
Institute of Football Management & Administration	Secretary		8,500
Institute of Journalists (Trade Union)		37,065	2,653
International Transport Workers Federation		122,000	23,000
ISU		47,730	0
Musicians Union		112,940	32,387
NAPO – The Trade Union and Professional Association for Family Court and Probation Staff		67,102	1,500
National Association of Colliery Overmen, Deputies and Shotfirers		64,693	23,105
National Association of Co-operative Officials		89,794	24,552
National Association of Head Teachers		124,325	21,167
National Association of NFU Group Secretaries		9,307	
National Association of Schoolmasters Union of Women Teachers		101,312	31,161
National Association of Stable Staff	Chief Executive	49,450	2,450

National Society for Education in Art & Design		45,000	0
National Union of Journalists		66,221	7,392
National Union of Mineworkers	National Secretary	64,754	20,271
National Union of Mineworkers (Colliery Officials and Staffs Area) Region No 4	Secretary	12,240	12,499
National Union of Mineworkers (Derbyshire Area)		16,674	0
National Union of Mineworkers (Leicester Area)		34,583	4,331
National Union of Mineworkers (Northumberland Area)		52,945	0
National Union of Mineworkers (South Wales Area)		52,641	0
National Union of Rail, Maritime and Transport Workers		88,349 (e)	28,082 (e)
National Union of Teachers		103,574	42,402
Nationwide Group Staff Union		119,328	17,001
Nautilus International		92,390	16,626
News Union		67,437	0
PDA Union		0	5,000 (b)
POA		77,124	28,273
Professional Cricketers Association	Chief Executive	137,637 (f)	4,744 (f)
Professional Footballers' Association		1,132,615	32,562
Prospect		109,000	24,000
Public and Commercial Services Union		92,128	29,573
Retail Book Stationery and Allied Trades Employees Association	President	38,499	11,128
Retained Firefighters Union		45,542	3,960
Royal College of Midwives		117,687 (g)	23,773 (g)
Royal College of Nursing of the United Kingdom		149,169 (h)	0
RSPB Staff Association	Chair	1,200	0
Rugby Players Association		100,631	3,294
Social Workers Union		10,000	0
Society of Authors	Chief Executive	92,550	7,823
Society of Chiropodists and Podiatrists	Chief Executive	84,635	6,771
Society of Local Council Clerks	Chief Executive	61,373	10,988
Society of Radiographers	Chief Executive		
	Officer	55,140 (i)	7,199 (i)
Solidarity		1,170	1,470
Staff Union West Bromwich Building Society	Chairperson		7,842 (j)

Trades Union Congress		108,997	38,932
Transport Salaried Staffs Association		79,582	16,314
UFS		79,868	10,739
Undeb Cenedlaethol Athrawon Cymru (The National Association of the Teachers of Wales)		46,746	4,115
Union of Construction, Allied Trades and Technicians		83,681	33,907
Union of Democratic Mineworkers	President	67,305 (k)	17,600 (k)
Union of General & Volunteer Workers		0	592 (b)
Union of Shop Distributive and Allied Workers		89,896	38,501
UNISON: The Public Service Union		97,211	7,462
Unite the Union		101,368	19,518
United Road Transport Union		62,343	36,829
Unity		64,603	49,208
University and College Union		102,578	19,630
Voice		60,133	1,773
Welsh Rugby Players Association		30,000	0
Workers of England Union	President	36,290	0
Writers Guild of Great Britain		58,580	5,220
Yorkshire Independent Staff Association		0	3,022

Scotland

Aegis the Union		67,332	9,764
Association of Headteachers and Deputes in Scotland		54,004	15,111
Educational Institute of Scotland		93,664	28,547
Independent Federation of Nursing in Scotland		29,904	0
National Union of Mineworkers (Scotland Area)		27,000	1,362
Professional Footballers Association Scotland	Chief Executive	62,018	0
Scottish Secondary Teachers Association		241,617 (l)	19,577 (l)

Notes:

- (a) £9,892 of salary is a bonus payment.
- (b) Honorarium.
- (c) This amount includes part re-imbusement of seconded salaries as agreed with the business.
- (d) This amount includes £166,559 paid to the General Secretary in respect of loss of office.
- (e) Total paid in respect of two people holding the office of general secretary within the period and is not the sum paid to one individual.
- (f) The Chief's Executive's salary and benefits is associated with all aspects of the PCA Group and not just with respect to the trade union.
- (g) The General Secretary's salary and benefits are associated with all aspects of the College and not just the trade union.
- (h) This includes payment of £47,734 made in respect of the General Secretary role as Chief Executive of the RCN Charter Body.
- (i) Similar amount paid in respect of the College of Radiographers.
- (j) Secondment fee to WBBS.
- (k) £58,649 of salary and £17,600 of benefits is paid in respect of the position of the President of the Nottingham Section of the UDM.
- (l) Salary and benefits of £261,194 was paid to three people holding the office of General Secretary within the period. One General Secretary was paid a termination payment of £145,200. The sum of £115,994 was paid to two Acting General Secretaries.

Appendix 6

Summary of Statistics – Employers’ Associations, returns received during the period 1 April 2015 to 31 March 2016

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 2014, the table includes returns from employers’ associations with year ending dates ranging from October 2014 to September 2015 and therefore due in this Office between 1 April 2015 and 31 March 2016.

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.

Summary of Statistics – Employers’ Associations, 2014-2015

(see paragraph 4.17)

	GROSS INCOME				GROSS EXPENDITURE (b) £000’s
	From Members	From Investments	Other Income	Total Income	
	£000’s (1)	£000’s (a) (2)	£000’s (3)	£000’s (b) (4)	
Employers’ Associations with over £2,500,000 total income					(5) £000’s
England and Wales Cricket Board Limited	0	672	174,679	175,351	149,321
London Councils	48,459	(577)	24,859	72,741	82,169
National Farmers Union	30,630	1,224	11,665	43,519	31,577
Electrical Contractors Association	3,784	1,226	34,292	39,302	29,056
EEF Limited	16,207	6,128	15,478	37,813	35,072
Freight Transport Association Limited	25,405	16	0	25,421	25,197
Building & Engineering Services Association	3,637	11,359	7,671	22,666	16,649
Retail Motor Industry Federation Limited	3,054	411	6,569	10,034	4,667
Federation of Master Builders	3,666	153	5,610	9,430	4,398
Road Haulage Association Limited	3,328	22	5,451	8,801	8,377
Association of Colleges	5,133	14	3,181	8,329	11,411
Society of London Theatre “SOLT”	476	9	5,847	6,331	6,194
British Amusement Catering Trades Association	530	5,408	133	6,071	4,247
Chemical Industries Association Limited	3,655	12	1,180	4,847	4,568
National Federation of Retail Newsagents	4,199	57	523	4,779	4,838
Yorkshire and Humber (Local Authorities) Employers’ Association	510	0	3,284	3,794	3,611
British Printing Industries Federation	2,269	1	1,401	3,671	3,801
Electrical Contractors Association of Scotland	1,409	352	1,356	3,117	3,173
NFU Scotland	2,042	55	876	2,972	3,013
Showmen’s Guild of Great Britain, The	849	3	1,837	2,690	2,591
Engineering Construction Industry Association	1,917	61	636	2,614	2,644
Producers Alliance For Cinema and Television Limited	2,031	24	544	2,599	2,575
East of England Local Government Association	648	4	1,877	2,529	4,405
British Allied Trade Federation	1,412	338	775	2,525	2,285
Total for above Employers’ Associations	165,252	26,971	309,723	501,945	445,841
Total for 37 other listed Employers’ Associations	11,747	1,536	7,475	20,758	21,916
Total 30 other unlisted Employers’ Associations	10,849	518	10,529	21,896	22,084
Total for all Employers’ Associations 2014-2015	187,848	29,025	327,727	544,599	489,841
Total for all Employers’ Associations 2013-2014	194,901	14,642	254,079	463,622	422,985

See Notes on previous page

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)		
44,009 (4,647)	70,039 (14,075)	4,771 1,123	54,219 0	39,581 24,516	98,571 25,639	28,532 39,714	250 35
92,472	104,414	16,891	100,094	12,969	129,955	25,540	91,305
35,991	46,236	5,041	51,240	25,570	81,850	35,614	2,771
48,918	51,659	19,340	36,095	9,580	65,015	13,356	2,019
889	1,113	3,159	0	8,451	11,610	10,497	14,583
942	6,959	2,056	9,770	10,212	22,038	15,079	1,368
18,684	24,051	11,015	13,460	1,308	25,783	1,732	8,807
2,902	7,934	4,746	1,750	3,151	9,647	1,713	8,584
2,643	3,067	1,806	100	2,743	4,649	1,582	6,588
(4,028)	(7,110)	303	0	7,180	7,483	14,594	351
528	665	1,729	0	17,112	18,841	18,176	174
16,491	18,314	11	24,321	10,579	34,911	16,596	442
2,252	2,530	6	10	7,227	7,244	4,714	99
5,736	5,676	2,104	2,619	1,569	6,291	615	15,244
144	327	0	0	3,667	3,667	3,340	33
(2,006)	(2,136)	457	0	984	1,441	3,577	2
4,608	4,551	3,112	50	1,884	5,046	495	1,237
1,972	1,931	551	1,363	645	2,560	627	8,345
5,743	5,841	3,181	6	3,105	6,291	449	3,808
5,250	5,220	29	1,225	5,617	6,871	1,651	279
2,180	2,203	34	1	3,354	3,389	1,185	526
(219)	(2,096)	1	0	4,388	4,389	6,484	52
10,974	11,214	591	10,458	944	11,994	780	2,365
292,427	348,531	82,057	306,781	206,336	595,174	246,644	169,267
27,705	26,547	16,200	6,005	21,140	43,345	16,798	14,638
13,344	13,156	8,828	7,840	13,211	29,879	16,723	6,620
333,476	388,234	107,085	320,626	240,687	668,398	280,164	190,525
305,371	346,009	114,309	276,470	218,961	609,740	263,731	195,486

Appendix 7

(see paragraph 5.4)

Trade Unions Maintaining Members' Superannuation Schemes at 31 March 2016

Notes:

- * Denotes schemes exempt from the need for actuarial examination (see paragraph 5.5)
These three schemes are reported on within Unite 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: (6 schemes listed below)

AEEU Section Superannuation Scheme

British Aerospace Senior Staff Association Superannuation Fund

Litho Printers' Section Superannuation Fund

Plate Preparers' Section Superannuation Fund*

Sheet Metal Workers 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 2015 to 31 March 2016

Trade Union: Transfers of Engagement

<i>Engagements transferred from</i>	<i>To</i>	<i>Transfer registered on</i>
Unity	GMB	16 April 2015
Staff Association of the Bank of Baroda	Unite the Union	19 June 2015

Trade Union: Amalgamations

None

Employers' Association: Transfers of Engagement

None

Employers' Association: Amalgamations

None

Appendix 9

Political Funds of Trade Unions, 2014-2015

(See Paragraph 7.14)

	Number of Members contributing to the Political Fund	Number of Members not contributing to the Political Fund
	(1)	(2)
Associated Society of Locomotive Engineers and Firemen	17,495	2,869
Association of Revenue and Customs	1,877	533
Bakers Food and Allied Workers Union	19,134	1,095
Broadcasting Entertainment Cinematograph and Theatre Union	24,093	660
Communication Workers Union	164,823	32,639
Community	22,594	4,672
Educational Institute of Scotland	43,926	10,419
Fire Brigades Union	30,945	6,920
GMB	602,610	23,033
Musicians Union	25,778	5,029
National Association of Colliery Overmen, Deputies and Shotfirers	194	208
National Association of Schoolmasters Union of Woman Teachers	236,508	93,977
National Union of Mineworkers	1,220	75
National Union of Rail Maritime and Transport Workers	73,563	8,715
National Union of Teachers	330,391	45,817
POA	26,268	4,004
Prospect	101,400	13,858
Public and Commercial Services Union	213,359	17,964
Transport Salaried Staffs Association	19,442	1,229
Union of Construction, Allied Trades and Technicians	41,800	19,429
Union of Shop Distributive and Allied Workers	414,284	20,338
UNISON: The Public Service Union	1,184,458	85,790
Unite the Union	1,166,538	239,300
Unity	3,711	287
University and College Union	93,167	12,280
Total for the 25 unions with political funds which reported in this period	4,859,578	651,140
Total for the 25 unions with political funds which reported in the previous period	4,954,606	619,174

Notes:

- (a) The information in the table is derived from annual returns received during 2015-2016, most of which relate to the year ending December 2014.

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)
631	136,562	160,134	52,605	29,033
533	5,793	0	116,979	122,772
0	80,360	106,098	28,444	2,706
185	38,526	35,990	23,822	26,358
22,589	1,717,177	1,595,605	1,527,891	1,649,463
4,075	218,000	219,000	15,000	14,000
7,948	443,922	25,988	1,944,446	2,362,380
5,929	256,979	593,786	1,141,670	804,863
23,033	3,237,000	3,126,000	1,864,000	1,975,000
3,932	87,855	125,210	87,643	50,288
0	1,009	0	29,711	30,720
1	197,124	183,846	159,897	173,175
47	18,416	27,027	97,266	88,655
240	268,000	255,000	64,000	77,000
1,998	429,287	572,906	728,684	585,065
4,004	40,411	56,715	31,451	15,147
2,872	61,000	47,000	604,000	618,000
429	266,003	152,580	0	113,423
1,064	140,615	135,793	111,151	115,973
11,823	200,000	284,000	86,000	2,000
20,338	2,142,000	2,324,000	1,106,000	924,000
7,762	6,663,000	5,572,000	7,196,000	8,287,000
75,851	7,710,000	4,850,000	12,020,000	14,880,000
234	18,067	33,557	90,150	74,660
9,574	169,729	169,742	9,336	9,322
205,092	24,546,834	20,651,977	29,136,146	33,031,003
163,764	23,973,707	19,892,958	25,059,533	29,140,282

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 2005/713) 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 latest version of the following Certification Office publications are available to be printed or downloaded from the Certification Officer's website: www.gov.uk/certificationofficer. Printed copies may also be obtained free of charge on application to the Certification Office.

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

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

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

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

Political funds: a guide to review ballots

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

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

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

Guidance on procedure at formal hearings of the Certification Officer

Certification Officer's Publication Scheme

Annual Reports of the Certification Officer

Guidance on The Certification Officer's Role as a Prescribed Person for the Purposes of Public Interest Disclosure Act 1998 – 'whistleblowing'

Trade Unions' Registers of Members: the Certification Officer's powers of investigation and enforcement

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