

CERTIFICATION OFFICE
FOR TRADE UNIONS AND EMPLOYERS' ASSOCIATIONS

**Annual Report
of the Certification Officer
2004-2005**

www.certoffice.org

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I am required by the Trade Union and Labour Relations (Consolidation) Act 1992 to submit to you both a report on my activities as Certification Officer during the previous reporting period. I have pleasure in submitting such a report for the period 1 April 2004 to 31 March 2005.

A handwritten signature in black ink that reads "David Cockburn". The signature is written in a cursive style. Below the signature is a solid horizontal line.

DAVID COCKBURN
The Certification Officer
14 June 2005

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Introduction

This is the twenty-ninth 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 2004 to 31 March 2005.

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 Employment Relations Act 2004 was given Royal Assent on 16 September 2004. This Act contains a number of provisions which came into effect on 6 April 2005 that will impact on my work and that of my office. These include:

- An express power to strike out those complaints or responses to complaints which are, amongst other things, scandalous, vexatious, have no reasonable prospect of success or are otherwise misconceived. (See paragraph 3.29.)
- The president of a union may be indirectly elected, if already holding another elected office under the Act.
- On the amalgamation of two or more listed trade unions, the newly amalgamated union is to be automatically listed and, in certain circumstances, automatically granted a certificate of independence. (See paragraphs 1.6 and 2.3.)
- Appeals from my decisions on the listing of a trade union or employers' association or on the refusal or withdrawal of a certificate of independence are restricted to appeals on a point of law. (See paragraphs 1.19 and 2.2.)
- The former prohibition on an auditor of the accounts of a trade union or employers' associations being a body corporate is lifted. (See paragraph 3.8.)
- My discretion to hear a complaint from a person who has been declared, in effect, a vexatious litigant by the Employment Appeal Tribunal has been removed.

The relevant guidance booklets have been updated to take these changes into account.

The Certification Office website, www.certoffice.org, continues to be well used. In the year to 31 March 2005 it had 47,356 individual visits. The site was improved over the reporting year by the inclusion of a scanned version of the annual returns of trade unions and employer's associations. It is hoped that this facility will become an increasingly valuable resource as the series of annual returns builds over the years. During the course of the next year it is proposed to introduce a free e-mail alerter service which will inform subscribers about new decisions, changes to the lists, amendments to the guidance booklets etc.

Since the last reporting period there has been a drop in trade union membership of 176,921 (2.3%). This is the largest annual fall in membership since 1996. It is explained partly by some unions reporting large reductions in membership. For example, the membership of Amicus decreased by 126,000 and the GMB by 104,000. In addition, 13 unions were removed from the list or the schedule to the list in this period. Five had ceased to exist and eight had transferred their engagements or amalgamated. This was the highest number of mergers since 2000/2001. Some notable names no longer appear as a separate entity on the list of trade unions, including the GPMU, UNIFI and the ISTC, not forgetting the Church and

Oswaldtwistle Power-Loom Overlookers Society. Three new unions were added to the list. One is Community which was created by the amalgamation of the ISTC and the National Union of Knitwear Footwear and Apparel Trades.

The majority of trade unions have now completed their third cycle of re-balloting for the retention of a political fund, a requirement introduced by the Trade Union Act 1984. In the reporting year 14 unions have re-balloted and secured votes in favour of retaining their political funds of between 67% and 96% of those voting.

Over the past year a total of 38 decisions were issued, an increase of 12 over the previous reporting period. The decision which generated the most interest on the website in 2004/05 was that in the case of *Howley v GPMU (D/6/04)*, which concerned a rule amendment affecting the rights of retired members.

During the reporting year I considered whether to exercise my powers to appoint an inspector to investigate the financial affairs of a union on four occasions. In three of these cases I did not consider that it was appropriate to do so. In one case my office was continuing contact with the union concerned.

The Advisory, Conciliation and Arbitration Service (ACAS) is responsible for providing me with the finance and support services necessary for the performance of my statutory duties. This in no way affects my independence from both ACAS and the Secretary of State. My Office continued to receive professional advice on superannuation matters from the Government Actuary's Department.

On 31 May 2004 Mr James Craig, WS retired from his position as Assistant Certification Officer for Scotland after 24 years of very valued service. I am grateful to Mr Craig for the skilful discharge of his functions, bringing to bear his expertise and wealth of experience. I wish him a long and happy retirement. Mr Craig was succeeded in the post by Ms Christine Stuart.

Mr Gerard Walker continued to hold his appointment as Assistant Certification Officer for England and Wales and Mr Whybrew continues as an Assistant Certification Officer to determine those complaints in which it is appropriate that I recuse myself. On 31 March 2005 there were ten staff in post in the Certification Office.

Accounts relating to the activities of the Certification Office, prepared under section 258 of the 1992 Act, are published separately by order of the House of Commons. In broad terms it is estimated that about 51% of the Office's resources were allocated to work connected with annual returns from trade unions and employers' associations, and the maintenance of the lists of trade unions and employers' associations, 35% to work relating to complaints and trade union finances, 7% to work relating to trade union political funds, and the remainder to other matters including independence.

The statutory fees to be paid for certain items of work undertaken by the Office are reviewed regularly. As a result of such a review this reporting year the fees charged were amended from 6 April 2005. The new fees are set out in Appendix 10 and are available on the website.

The net cost of the Office for the year ended 31 March 2004 was £614,000. My salary as Certification Officer at 31 March 2005 was £65,514.77 for a three-day week. This sum is pensionable at an additional cost to the public purse of £12,476.00 and it is taxed under PAYE.

Where it is necessary to hold a hearing to determine a complaint, the Certification Officer can make payment towards the expenses incurred by the complainant and their witnesses in attending the hearing. During the period under review such payments amounted to £2,584.13. Assistance with legal costs is not available.

Advice and contacts for information

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

Lists of Trade Unions and Employers' Associations

Any trade union or employers' association may apply to have its name included in the public lists maintained by the Certification Officer. This chapter sets out the background to that process and gives the numbers on the lists at 31 March 2005 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 1992 Act.
- 1.2 Listing is voluntary and any organisation of workers or of employers may apply to be listed. A fee is payable on application (see appendix 10 for the statutory fee). The name of the organisation shall be entered in the relevant list if the Certification Officer is satisfied that it falls within the appropriate definition in the 1992 Act (see paragraphs 1.17 and 1.18). Entry in the list is a relatively simple process but it is not automatic. The Certification Officer will test whether the organisation concerned satisfies the statutory definition. The Act does not impose any test of size or effectiveness.
- 1.3 Any organisation aggrieved by the refusal of the Certification Officer to enter its name in the relevant list may appeal to the Employment Appeal Tribunal (EAT). The Employment Relations Act 2004 restricts any such appeal to a point of law only (see paragraph 1.19).
- 1.4 For trade unions, listing is an essential preliminary to any application for a certificate of independence under section 6 of the 1992 Act. It is also one of the requirements for obtaining tax relief in respect of expenditure on provident benefits (section 467 of the Income and Corporation Taxes Act 1988) and a listed union enjoys certain procedural advantages in connection with the devolution of property following a change of trustees (section 13 of the 1992 Act). There are no equivalent advantages for employers' associations. However, there are two benefits of listing which are shared by trade unions and employers' associations. The fact of being on the relevant list is evidence (in Scotland, sufficient evidence) that the organisation is a trade union or employers' association. Further, 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, Brandon House, 180 Borough High Street, London SE1 1LW. The lists for organisations having their head office in Scotland are also available for inspection at the office of the Assistant Certification Officer for Scotland, 54-66 Frederick Street, Edinburgh EH2 1LS. The lists of trade unions and employers' associations also appear on the website of the Certification Officer, www.certoffice.org.

Employment Relations Act 2004

- 1.6 The 1992 Act has been amended by the Employment Relations Act 2004 to provide that on the amalgamation of two or more unions listed in accordance with Part I Chapter VII of the 1992 Act, the amalgamated union shall automatically be listed by the Certification Officer when the instrument of amalgamation takes effect. The newly amalgamated union shall, however, be removed from the list if it does not send certain prescribed information to the Certification Officer within six weeks of the date the instrument of amalgamation takes effect or such longer period as the Certification Officer may specify. The information to be sent to the Certification Officer is a copy of the rules of the new union, a list of its officers and the address of its head or main office, together with the prescribed fee.

Removal from the lists

- 1.7 If at any time it appears to the Certification Officer that an organisation whose name is entered on the relevant list is not a trade union or an employers' association its name may be removed from the list. The organisation concerned will be given an opportunity to make representations as to why its name should not be removed. There is a right of appeal to the EAT on a point of law against removal of a name from a list. The Certification Officer must also remove the name of an organisation from the list if he is satisfied that it no longer exists or if the organisation requests that he should do so.
- 1.8 The table below gives the names of the twelve trade unions removed from the list during the period 1 April 2004 and 31 March 2005. An asterisk denotes those which ceased to exist as a result of mergers. The others were dissolved or deemed no longer to be trade unions. During the reporting period no employers' associations were removed from the list.

Trade Unions

Church and Oswaldtwistle Power-Loom Overlookers Society
Diplomatic Service Association*
Engineering and Fasteners Trade Union
Graphical Paper and Media Union*
Hongkong Bank Group UK Staff Association
Iron and Steel Trades Confederation*
National Bus Drivers Union
National Union of Knitwear Footwear and Apparel Trades*
National Union of Lock and Metal Workers*
NCH Marketing Services Ltd Staff Association
Staffordshire Building Society Staff Association*
UNIFI*

Additions to the lists

- 1.9 The table below gives the names of the trade unions added to the list during the period 1 April 2004 to 31 March 2005. During the period no employers' associations were added to the list.

Trade Unions

Associated Train Crew Union
Community
Locum Doctors Association

The lists at 31 March 2005

- 1.10 As required by sections 2 and 123 of the 1992 Act, this report includes the names of those trade union and employers' associations on the lists as at 31 March 2005. They are reproduced as Appendices 1 and 2. The lists at 31 March 2005 comprised 186 trade unions and 85 employers' associations.

Changes during the year are summarised in the table below:

	<i>On lists at 31 March 2004</i>	<i>Changes between 1 April 2004 and 31 March 2005</i>		<i>On lists 31 March 2005</i>
		<i>Additions</i>	<i>Removals</i>	
Trade Unions	195	3	12	186
Employers' Associations	85	0	0	85

Special register bodies

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

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

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

Organisations not on the lists (Scheduled/Unlisted Bodies)

1.15 As entry in the lists is voluntary, it is difficult to say precisely how many trade unions and employers' associations are in existence which have not applied to be listed. In addition to the listed organisations in Appendices 1 and 2, the Certification Officer was aware of 18 trade unions and 79 employers' associations which met the statutory definitions but which had not sought to be listed as at 31 March 2005. The Certification Officer maintains schedules of those organisations which satisfy the statutory definition of a trade union or employers' association but which have not applied for entry on the relevant list. There may be other organisations which meet the statutory definitions of a trade union or employers' association of which the Office is unaware. The fact that an organisation is not on the relevant list does not exempt it from its statutory responsibility 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. The trade unions and employers' associations known to the Office but which have not applied to be included in the relevant lists are given in the schedules to Appendices 1 and 2 respectively.

1.16 During the year, the Office did not have occasion to approach any organisations which it was thought might be trade unions or employers' associations, and of which, it was previously unaware.

Definition of a trade union

1.17 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

1.18 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.”*

Restriction of grounds of appeal from a decision of the Certification Officer

- 1.19 The Employment Relations Act 2004 amends the 1992 Act in respect of appeals to the EAT from a decision of the Certification Officer to enter or withdraw the name of a trade union or employers' association from the relevant list. Before this amendment there was a right of appeal on questions of both fact and law, enabling the EAT to hear further evidence and substitute its decision for that of the Certification Officer. From 6 April 2005 any appeal to the EAT on these matters can be on a point of law only.

Trade Union Independence

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

The statutory provisions

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

“... a trade union which -

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

2.2 The procedure for determining the independence of trade unions is provided for in section 6 of the 1992 Act. A union must be listed (see Chapter 1) before it can apply for a certificate of independence. A fee is payable on application (see Appendix 10). The Certification Officer keeps a public record of all applications for such certificates and of all decisions reached. He may not take a decision on an application until at least one month after it has been entered in the record. A notice that an application has been received is normally published in the London Gazette and/or the Edinburgh Gazette as appropriate and included in the ‘What’s New’ page of the Certification Officer’s website, www.certoffice.org. The Certification Officer must take into account any relevant information submitted by any person and is required to give reasons if a certificate of independence is refused. A union which has been refused a certificate of independence has a right of appeal on a point of law to the Employment Appeal Tribunal (EAT). The Employment Relations Act 2004 restricted the right of appeal from 6 April 2005 from points of both fact and law to points of law only.

2.3 The Employment Relations Act 2004 has also amended the 1992 Act to provide that on the amalgamation of two or more unions each of which held a certificate of independence prior to the amalgamation, a certificate of independence shall automatically be issued to the new union when the instrument of amalgamation

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”.

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

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

Criteria

- 2.7 The principal criteria used by the Certification Officer in determining whether or not an applicant union satisfies the statutory definition are explained in the Office's booklet *Guidance for trade unions wishing to apply for a certificate of independence*. These appear under the headings: history, membership base, organisation and structure, finance, employer-provided facilities and negotiating record. Copies of the booklet are available on request from the Certification Office and it can be found on the Certification Officer's website, www.certoffice.org. The Certification Officer's decision is strictly bound by the statutory definition, having regard to the criteria 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. The Certification Officer is required by statute to disregard certain criteria in respect of prison service unions.

Applications, Decisions, Reviews and Appeals

- 2.8 Two applications for certificates of independence were received during the period covered by this report. The first was from Community – the union which was formed by the amalgamation of the Iron and Steel Trades Confederation and the National Union of Knitwear Footwear and Apparel Trades, both of which had certificates of independence in force at the date of the merger. The application was accepted and the certificate issued on 17 August 2004. The second was from IPF, a union for aircraft pilots and flight engineers, which applied for a certificate of independence

in November 2004. Following investigations by the Office, the application was granted and the certificate was issued on 23 March 2005.

- 2.9 No formal reviews of existing certificates of independence were undertaken during the period.
- 2.10 Eight certificates of independence were cancelled because the unions concerned had ceased to exist, seven of these were the result of mergers. These were the certificates of the following unions:

Diplomatic Services Association
Engineering and Fasteners Trade Union
Graphical Paper and Media Union
Iron and Steel Trades Confederation
National Union of Knitwear Footwear and Apparel Trades
National Union of Lock and Metal Workers
Staffordshire Building Society Staff Association
UNIFI

- 2.11 On 31 March 2005 there were 133 trade unions which held certificates of independence.

Annual Returns 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 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 such trade union or employers' association must establish and maintain a satisfactory system of control of its accounting records, its cash holdings and all its receipts and remittances. The accounting records kept must be such as are necessary to give a true and fair view of the state of affairs of the organisation and to explain its transactions.
- 3.2 Under sections 32 and 131 of the Act such an organisation (unless it has been in existence for less than 12 months) is also required to submit an annual return to the Certification Officer in the form prescribed. The return is to include revenue and other accounts and a balance sheet, which must give a true and fair view of the matters to which they relate. The return must also give details of the salary and other benefits paid to each member of the executive, the president and the general secretary (see paragraph 4.14). Any changes in the organisation's officers or in the address of its head office must be shown on the return and it must be accompanied by a copy of the rules in force at the end of the period covered by the return. All funds maintained by the trade union or employers' association must normally be included in the return made to the Certification Officer.
- 3.3 Organisations which consist wholly or mainly of constituent or affiliated organisations or representatives of such organisations, are referred to within the Act as "federated" trade unions or employers' associations and are described fully within sections 118 and 135 of the Act. Those federated bodies which are composed of representatives of trade unions or employers' associations are exempt from certain provisions of the Act, including the duty to supply a copy of their rules, to keep accounting records and to submit annual returns. The same does not apply to those federated bodies which are composed of constituent or affiliated organisations.

- 3.4 It is not the responsibility of the Certification Officer to determine whether an organisation is financially viable but to ensure that accounts in the prescribed form covering all funds administered by the organisation are available for public inspection.
- 3.5 The Act requires trade unions and employers' associations to submit before 1 June each year a return of their financial affairs covering the year ending the preceding 31 December. However, the Certification Officer may direct that the return is to relate to a different annual period. This is usually done if the normal timetable would cause serious inconvenience to the organisation concerned.
- 3.6 The annual return must include a copy of the auditor's report on the accounts. Under section 34 of the Act a person is qualified to act as auditor of a trade union or employers' association's accounts if he or she is eligible for appointment as a company auditor under section 25 of the Companies Act 1989 ("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 In this reporting year the Office added a summary sheet to the annual return form. The sheet was designed to give those inspecting annual returns a brief summary of an organisation's financial position at the end of its accounting period. The summary sheet also facilitates the abstraction of accurate and consistent data from the annual returns, for the purpose of this annual report. All the financial information contained within Chapter 4 and reflected in Appendices 4 and 6 was taken directly from the summary sheets, and supported by information elsewhere in the annual return.
- 3.8 Before its amendment by the Employment Relations Act 2004, section 34 of the 1992 Act provided that a "body corporate" (eg a limited company) was not permitted to act as an auditor of a trade union or unincorporated employers' association. From 6 April 2005 this restriction has been removed. Further amendments provide that where the auditor is a body corporate or partnership the report is to be signed in the name of that body or partnership by an individual authorised to sign on its behalf and the right to attend and be heard at any general meetings of the union is exercisable by an individual authorised by that body or partnership to act as its representative at such meetings.
- 3.9 A trade union (other than a special register body as described in Chapter 1 of this Report, paragraphs 1.11 to 1.14) 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.
- 3.10 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.

- 3.11 In the case of five (1.4%) of the returns received by the Certification Office during the reporting period the auditors gave a qualified opinion as to whether the return gave a true and fair view. These qualifications, as in previous years, were mainly of a minor or technical nature and in each case action was taken to ensure such qualifications are not necessary in the future. A majority of the qualifications related to the application of accounting standard FRS17 to the pension funds maintained by the relevant union or employers' association. Whilst acknowledging the practical difficulties that FRS17 may cause organisations, the Certification Officer considers that an annual return which is qualified by reason of failure to comply with FRS17 may not give a true and fair view of the accounts of the organisation concerned. The Certification Officer expects such unions and employers' associations to take steps to ensure that future annual returns made to him do not contain such a qualification.
- 3.12 To avoid the duplication of broadly similar financial statements, the Certification Officer allows a special register body (see Chapter 1 of this Report, paragraphs 1.11 to 1.14) 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 Act 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 Act, an auditor's report for the purposes of the 1992 Act is still required.
- 3.13 With the exceptions already noted, the duties imposed by sections 28, 32 and 131 of the Act apply to all trade unions and employers' associations, whether listed under sections 2 or 123 or not. Refusal or wilful neglect to perform any of them is an offence for which the organisation concerned may be prosecuted and fined. The Certification Officer is responsible for enforcing these provisions, but does not generally undertake prosecutions for offences such as theft or fraud which would normally be dealt with by other prosecuting authorities. However, the Certification Officer is able to appoint inspectors to investigate allegations of financial irregularities in the affairs of a trade union or employers' association. (See 3.19 below).

Late submission of returns

- 3.14 The 1992 Act requires an organisation to submit an annual return to the Certification Officer before 1st June in the calendar following the year to which the annual return relates. For most organisations (78%), their financial year coincides with the calendar year and ends on 31 December, but others differ. In this reporting period around 13.2% of returns were submitted more than three months after their due date. However by 31 March 2005, 97.0% of all due returns had been received. The annual returns for the following organisations were still outstanding by more than three months at 31 March 2005.

Trade Unions

Anchor Group Staff Association
Friends Provident Line Managers' Association
NFU Staff Association
Scottish Artists Union

Employers' Associations

Forth Valley Building Trades Employers Association
Scottish Knitwear Association
Scottish Building Orkney Association
United Kingdom Jute Goods Association Limited

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. The returns received by the end of the reporting period from trade unions covered an estimated 99.9% of all trade union members.

Prosecution

3.15 No prosecutions for failure to submit a return were initiated during this period, but two cases were under active consideration at the end of the period.

Statement to members

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

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

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

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

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

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

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

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

- 3.19 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 and in respect of organisations that have been in existence for less than twelve months). Under the Act, the Certification Officer may, if he thinks there is good reason to do so, give a direction to the organisation concerned to produce relevant documents and explanations of them. In addition, the Certification Officer may appoint inspectors to investigate the organisation’s financial affairs and to report on them. The Certification Officer may only appoint inspectors if one or more of the following circumstances are suggested: *that the financial affairs of the trade union or employers’ association have been or are being conducted fraudulently or unlawfully; that those managing those affairs have been guilty of fraud, misfeasance or other misconduct in connection with that management; that the organisation concerned has failed to comply with a duty under the Act relating to its financial affairs; or that a rule of the organisation relating to its financial affairs has not been complied with.* A member may complain to the Certification Officer that there are circumstances suggesting any of the foregoing. The Certification Officer must then consider whether it is appropriate to exercise any of the powers conferred on him by the Act in that respect.
- 3.20 Information suggesting circumstances where one or more of the situations described in paragraph 3.19 have occurred may come to the Certification Officer’s attention from a variety of sources including, for example, 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.

- 3.21 Not all the information received by my Office is of sufficient merit to warrant any approach to the body concerned. Where an approach is warranted, the matter is frequently resolved either through correspondence between the Office and the parties concerned or by means of informal meetings with the body or the individual or a combination of these methods.
- 3.22 At the end of the last reporting year enquiries were outstanding with the Immigration Services Union, the National Union of Mineworkers, the Union of Democratic Mineworkers and the Associated Society of Locomotive Engineers and Firemen (ASLEF). The Certification Officer continues to have contact with ASLEF. The other enquiries were concluded without an inspector being appointed.
- 3.23 In the period 1 April 2004 to 31 March 2005 concerns were raised about particular aspects of the conduct of the financial affairs of three trade unions: Amicus (twice), Equity and the GMB. The enquiries with regard to one of the matters raised with Amicus remained outstanding at the end of the reporting period. The other enquiries were concluded without an inspector being appointed.
- 3.24 Where the Certification Officer concludes his enquiries regarding a possible financial irregularity which has been raised by a union member and decides not to appoint an inspector, he must notify that member of his decision and, if he thinks fit, will also give his reasons. In this reporting period none of the concluded issues arose from members concerns.
- 3.25 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

3.26 Copies of the annual returns and the rules of trade unions and employers' associations from 1974 onwards are available for public inspection at the Certification Office and, where appropriate, the Office of the Assistant Certification Officer for Scotland. Also available for public inspection (with notification of one week) are the annual returns, accounts, copies of rules and other documents submitted for the purposes of:

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

The annual returns of trade unions and employers' associations submitted in this reporting period are available on the Certification Officer's website, www.certoffice.org.

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.
- 3.28 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 a complaint 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.
- 3.29 The Employment Relations Act 2004 gives the Certification Officer new powers in relation to complaints. From 6 April 2005 a new section, 256ZA, has been inserted into the 1992 Act. This provides that the whole or any part of a complaint to the Certification Officer or a response can be struck out at any stage in the proceedings. The grounds on which a complaint or response can be struck out are that it is scandalous, vexatious, has no reasonable prospect of success or is otherwise misconceived. Similarly, a complaint or response may be struck out on the grounds that the manner in which the proceedings have been conducted by or on behalf of the claimant or respondent has been scandalous, vexatious or unreasonable. A complaint can also be struck out for excessive delay. The power to strike out can be exercised on the Certification Officer's own initiative or on the application of the claimant or trade union concerned. The Certification Officer is required to give oral or written notification to the party against whom he proposes to make a striking out order, allowing that party an opportunity to challenge the proposed order. The Certification Officer may make further provisions relating to the striking out of proceedings under his general power to regulate his own procedure.
- 3.30 If the complaint is not struck out, the Certification Officer is required to make such enquiries as he thinks fit and give the claimant and the trade union an opportunity to be heard. On receipt of an application the Certification Officer will determine it, so far as reasonably practicable, within six months of it being made.
- 3.31 If the Certification Officer decides that the complaint is well founded he is required to make such orders as he considers appropriate for ensuring that the claimant:-
- (a) is allowed to inspect the records requested;
 - (b) is allowed to be accompanied by an accountant when making the inspection of those records; and
 - (c) is allowed to take, or is supplied with, such copies of, or of extracts from, the records he may require.
- 3.32 An order made by the Certification Officer under this section may be enforced in the same way as an order of the court.

Applications and complaints received 1 April 2004 to 31 March 2005

- 3.33 In the period 1 April 2004 to 31 March 2005 the Certification Officer received one such complaint, against the Royal College of Nursing of the United Kingdom (RCN). The complaint was dismissed on withdrawal by the claimant, following the provision of financial information to the claimant by the union (**Bailey v RCN (D/1/05)**). At the end of this reporting period there were no complaints outstanding.
- 3.34 Sections 28 to 30 of the 1992 Act do not define “accounting records”. However the Certification Officer considered this matter in 2003 in the case of **Mortimer v Amicus (D/1/03)** and gave further consideration to the same issue later the same year in the case of **Foster v Musicians Union (D/13-17/03)**.
- 3.35 A copy of the decisions in **Bailey v RCN** and the two decisions mentioned in paragraph 3.34, together with copies of all decisions of the Certification Officer, are available free of charge from the Certification Office and decisions reached since 1 August 2001 are available on the Certification Officer’s website.

Financial and Membership Information and Membership Register

This chapter identifies changes in both trade union membership and expenditure and employers' association income and expenditure between figures reported last year and returns received during 2004-2005. It also covers the jurisdiction of the Certification Officer to determine complaints about the maintenance of trade unions' membership registers.

Annual Returns received in 2004-2005

- 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 accounting periods ended between October 2003 and September 2004, whose annual returns were therefore due, and received, in this office between 1 April 2004 and 31 March 2005. The majority (78%) of returns are for unions or employers' associations with accounting periods ending 31 December 2003.
- 4.2 A total of 364 organisations submitted returns for this period. These were made up as follows:
- 190 Listed trade unions
 - 16 Scheduled/unlisted trade unions
 - 85 Listed employers' associations
 - 73 Scheduled/unlisted employers' associations

Trade unions: numbers and membership

- 4.3 A summary of statistics concerning the membership and finances of trade unions received during 2004-2005 is given in Appendix 4. Details are shown for the 15 trade unions with more than 100,000 members. This is one fewer than the 16 unions shown in past years since the membership of the Graphical, Paper and Media Union (GPMU) fell beneath the threshold of 100,000 in this reporting period. The GPMU transferred its engagements to Amicus on 1 November 2004.
- 4.4 The statistics in Appendix 4 are based on returns from 206 listed and scheduled unions compared with returns from 213 recorded in the Annual Report 2003-2004. All unions of substantial size are included in both sets of figures, which are therefore broadly comparable. The reduction in the number of unions is attributable in part to mergers and in part to smaller unions ceasing to exist (see paragraphs 1.8 and 1.9). Chapter 6 of this report provides more information on amalgamations and transfers of engagements of both trade unions and employers' associations.

4.5 The trade unions from which returns were received had a total membership of 7,559,062. The major unions, with a membership of over 100,000, accounted for 6,223,426 members or 82.3% 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	41	1,234	19.9	19.9	0.0	0.0
100-499	36	10,334	17.5	37.4	0.1	0.2
500-999	22	15,763	10.7	48.1	0.2	0.4
1,000-2,499	24	41,112	11.7	59.7	0.5	0.9
2,500-4,999	22	77,963	10.7	70.4	1.0	1.9
5,000-9,999	11	86,143	5.3	75.7	1.1	3.1
10,000-14,999	5	56,821	2.4	78.2	0.8	3.8
15,000-24,999	10	185,983	4.9	83.0	2.5	6.3
25,000-49,999	15	523,919	7.3	90.3	6.9	13.2
50,000-99,999	5	336,364	2.4	92.7	4.4	17.7
100,000-249,999	5	682,999	2.4	95.1	9.0	26.7
250,000 and over	10	5,540,427	4.9	100.0	73.3	100.0
Total	206	7,559,062	100	100	100	100

4.6 The returns showed that the total trade union membership dropped by 176,921 members, or 2.3%, over the figure recorded for the previous year, from 7,735,983 to 7,559,062 members. The total membership of about 7.6 million compares with 8.0 million in 1995 and a peak of 13.2 million in 1979.

4.7 The following table shows changes of 10,000 or more members in the total membership of individual unions which reported during the period.

Trade Union: Changes in Membership

	<i>Total Membership (000's)</i>		
	<i>2002-2003</i>	<i>2004-2004</i>	<i>% changes</i>
<i>Increases</i>			
National Association of Schoolmasters and the Union of Women Teachers	265	305	+14.9%
British Medical Association	114	129	+13.1%
Royal College of Nursing of the United Kingdom	360	373	+3.6%
Union of Shop Distributive and Allied Workers	321	332	+3.3%
UNISON: the Public Service Union	1,289	1,301	+0.9%
<i>Decreases</i>			
GMB	704	600	-14.8%
Amicus	1,062	935	-11.9%
UNIFI	148	137	-7.2%
Transport and General Workers Union	835	817	-2.2%

4.8 The annual return submitted by unions to the Certification Officer requires the union to provide figures for both total membership and members who pay contributions. There can be significant differences between these sets of figures which are 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 10.4% less than the figure for total membership, compared to 12% 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, 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. The Employment Relations Act 2004 gives the Certification Officer the power to strike out certain applications or complaints (see paragraph 3.29).

- 4.10 During the period 1 April 2004 to 31 March 2005 the Certification Officer received one application concerning the maintenance of the register of members' names and addresses. The application against, UNIFI, was dismissed on 7 October 2004 (**Lynch v UNIFI (CO/1964/18)**). Copies of this and all decisions of the Certification Officer are available from the Certification Office free of charge and decisions since 1 August 2001 are on the Certification Officer's website, www.certoffice.org.

Finance

- 4.11 Trade union income derives mainly from membership subscriptions and income from investments. There may also be additional income and/or assets arising if, for example, a union accepts the transfer of engagements of another union. The figures given at Appendix 4 include both general and other funds where applicable, eg contingency, superannuation and political funds. Political funds are shown separately in Appendix 9.
- 4.12 From the returns received during this reporting period, the figures show that the gross income of trade unions was £875.14 million, an increase of 3.0% on that recorded by unions the previous year. Income from members rose by 2.0% to £686.94 million, while investment income fell by 20.1% and other income rose by 16.5%.
- 4.13 Gross expenditure by unions during this reporting period rose by 4.2% to £877.81 million, while at the end of the reporting period total funds (net assets) amounted to £933.24 million, an increase of 2.1% over the previous period.

Salaries and benefits

- 4.14 Trade unions are required to include in their annual returns to the Certification Officer information about the salaries and benefits paid to certain of their national officers and executive members from the organisation's funds. For the purpose of the annual return, benefits are defined as being a) those designated as a taxable benefits by the Inland Revenue; 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 just over 2% of unions paid a salary to their general secretary of over £100,000; 20% paid between £60,000 and £100,000; 23% paid between £30,000 and £60,000; and 16 percent paid up to £30,000; while the general secretaries of the remaining 39% did not receive a salary. Fourteen unions (7%), although paying no salary to their general secretary, did provide an honorarium or other benefits.
- 4.15 Appendix 5 gives information on the salary and benefit payments in respect of all unions who make a payment to their general secretary. There is no requirement to provide such information in relation to other employees, even if they are paid more than the general secretary. Employer's pension contributions make up a significant proportion of the benefits paid. Employer's national insurance contributions are excluded from the table at Appendix 5.

Employers' associations

- 4.16 A summary of statistics concerning the membership and finances of employers' associations based on returns received within the reporting period is given in Appendix 6. Details are given for each of the 32 associations (including scheduled/unlisted associations) with total income of more than £2,500,000. For comparative purposes, the statistics relating to the seven engineering employers organisations, whose individual incomes are below £2,500,000, are combined in the table.
- 4.17 The statistics in Appendix 6 are based on returns from 158 employers' associations compared with returns from 172 in the report for 2003-2004.
- 4.18 From the returns received in this period, the figures show the gross income of employers' associations was £321.95 million compared with £289 million recorded for the previous year, an increase of 11.4%. Income from members rose from £109.84 million to £125.85 million. Income from investments fell from £16.01 million to £15.79 million. Other income rose from £163.1 million to £180.31 million. During the same period, gross expenditure increased from £292.03 million to £312.09 million, an increase of 6.9%.
- 4.19 The figures given in Appendix 6 include both general funds and, where applicable, funds maintained for specific purposes. At the end of the reporting period the net assets of employers' associations amounted to £234.38 million, a decrease of £1.8 million (0.8%) over the figure reported for the previous period.
- 4.20 Employers' associations are not required by the 1992 Act to provide the Certification Officer with details of officers' salaries and benefits.

Superannuation Schemes

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

The statutory provisions

- 5.1 Sections 38-42 and 131 of the 1992 Act require that any superannuation scheme maintained by a trade union or employers' association¹ covering members (as opposed to staff) must be examined periodically by a qualified actuary and a copy of each actuarial report sent to the Certification Officer. The actuarial examination is to be made not later than five years after the effective date of the preceding examination, but the Certification Officer has power to direct that in any particular case the period of five years may be reduced to such shorter period as he may specify. The Certification Officer also has power to exempt a members' superannuation scheme from actuarial examination in certain circumstances. No trade union or employers' association may maintain a members' superannuation scheme unless it also maintains a separate fund for the payment of benefits in accordance with the scheme. A copy of the actuarial report made under the above provisions must be supplied free of charge to any member of the trade union or employers' association on application to the organisation concerned.
- 5.2 The 1992 Act requires that the report by the actuary, following his or her examination of any scheme, shall state whether in the opinion of the actuary the premium or contribution rates are adequate, whether the accounting or funding arrangements are suitable and whether the separately maintained superannuation fund is adequate. The Office continues to ensure that these requirements are not overlooked.
- 5.3 All actuarial reports received by the Certification Officer are sent to the Government Actuaries Department (GAD) for their specialist comment. The views of GAD are passed on to the union.

Schemes maintained

- 5.4 At the end of the reporting period there were 12 members' superannuation schemes, known to the Certification Officer maintained by five trade unions. They are listed in Appendix 7 and are mostly small schemes, with only four having assets of over £250,000. The National Union of Rail Maritime and Transport Workers is the only union with a scheme covering more than 25,000 members.

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

- 5.5 The Certification Officer may grant exemption from actuarial examination on the grounds that the scheme is only applicable to a small number of members or for any other special reasons. Four schemes are currently exempt.
- 5.6 Amicus applied for exemption of its APAC scheme in the previous reporting year on the grounds of the small number of members remaining. After considering the current state of the scheme, the Certification Officer granted that exemption on 23 April 2004.
- 5.7 The National Union of Flint Glass Workers applied to the Certification Officer for exemption from the requirement to obtain an actuarial examination of its scheme by 31 December 2004 on the grounds that the union was in the process of winding up its affairs before the courts. The Certification Officer is in contact with the union over progress with its winding up and is monitoring the position of the scheme.

Actuarial reports received 1 April 2004 to 31 March 2005

- 5.8 No actuarial reports were received during this period.

Mergers

Mergers between trade unions and between unincorporated employers' associations must be carried out under the relevant statutory procedures. These procedures also allow for members to complain to the Certification Officer about particular aspects of the balloting process. This chapter details the statutory background together with the number of merger applications and complaints received. It also shows changes of name registered during the period 1 April 2004 to 31 March 2005. Appendix 8 lists the mergers registered during the same period.

The statutory provisions

- 6.1 The 1992 Act and the Trade Unions and Employers' Associations (Amalgamations, etc.) Regulations 1975, as amended, lay down procedures governing two types of merger - transfers of engagements and amalgamations – between trade unions and between unincorporated employers' associations. The procedures apply to listed and scheduled/unlisted organisations. Their main purposes are to facilitate the processes of transfer and amalgamation and, at the same time, to safeguard the rights of members affected by the terms of a merger by ensuring that they are fully informed about the proposal and have the opportunity to vote on it.
- 6.2 Under a transfer of engagements the transferring organisation loses its legal identity whilst the organisation to which it transfers continues in being with its legal identity unchanged. An amalgamation produces a new organisation replacing each of the amalgamating bodies, which cease to exist.
- 6.3 Organisations proposing to enter into a transfer of engagements or an amalgamation must prepare an instrument setting out the proposed terms of the merger and an explanatory notice to members. They must submit these documents to the Certification Officer and the documents must be approved before a ballot of members can be held. (See Appendix 10 for the statutory fee.)
- 6.4 Ballots must be fully postal and subject to independent scrutiny. The inclusion in the notice to members of any statement making a recommendation or expressing an opinion about a proposed amalgamation or transfer is prohibited. Further, the voting paper sent to a member may not be accompanied by any material other than the notice to members, an addressed, pre-paid envelope and a document giving instructions for the return of the ballot paper. Other requirements relate to the storage, distribution and counting of votes by independent persons and the availability of a union's membership register and the circumstances of its inspection by an independent scrutineer. For mergers involving employers' associations, the provisions are slightly different. Details can be found in the relevant guidance booklet and on the Certification Officer's website, www.certoffice.org.

- 6.5 In a transfer of engagements only the members of the transferring organisation vote on the resolution to approve the instrument of transfer. An amalgamation requires a favourable vote by the members of each amalgamating organisation. If the majority of votes recorded in the ballots is in favour of the transfer of engagements or the amalgamation an application to register the instrument may be made to the Certification Officer. Such an application must be preceded by a copy of the scrutineer's report being sent to every member of the union or the members being notified of its contents by other means. If the union takes the second of the above two options, members must also be told that they will, on request, be provided with a copy of the scrutineer's report – either free or subject to a reasonable specified charge. The Certification Officer has power to direct an organisation to publicise its application to register a merger.
- 6.6 In the case of both a transfer and an amalgamation an interval of six weeks must elapse between the application for registration and registration itself. Before the expiry of the six-week period, any member of the transferring organisation or of any amalgamating organisation may complain to the Certification Officer on the grounds that one or more of the statutory conditions governing the ballot arrangements have not been observed. The Employment Relations Act 2004 gives the Certification Officer the power to strike out certain applications or complaints (see paragraph 3.29). The Certification Officer, after giving the parties an opportunity to be heard may dismiss the complaint. If he finds it justified, he shall make a declaration and may make an order specifying the steps which must be taken before he will register the instrument. There is a right of appeal against the Certification Officer's decision to the Employment Appeal Tribunal on a question of law. If no such complaint is received, the Certification Officer will register the instrument of transfer at the end of the six week period (or a later date if specified in the instrument) 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.
- 6.7 Formal documents kept by the Certification Officer relating to mergers under the 1992 Act are available for public inspection. See Appendix 10 for the statutory fee.

Employment Relations Act 2004

- 6.8 The Employment Relations Act 2004 amends the 1992 Act to make new provision for the listing and granting of certificates of independence to unions formed through amalgamation. Where each of the amalgamating unions was on the Certification Officer's list prior to the amalgamation, the new union will be automatically listed. Where each of the unions held a valid certificate of independence, the new union will 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 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.

Guidance

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

Mergers during the period 1 April 2004 to 31 March 2005

- 6.10 During this reporting period there were seven transfers of engagements involving trade unions and one amalgamation of two trade unions. There were no mergers involving employers' associations. Details are given in Appendix 8.
- 6.11 The seven transfers of engagements of trade unions which took place during this reporting period involved a total of 243,155 members of the transferring unions. The largest merger was the transfer of UNIFI to Amicus, involving around 137,000 members. This transfer took effect on 21 October 2004. The members of the Association of Magisterial Officers voted in a ballot to transfer the engagements of that union to the Public and Commercial Services Union. The instrument of transfer was registered on 28 March 2005 but under the terms of the instrument the transfer will take place on 1 July 2005. At the end of the reporting period there were no further mergers in progress.
- 6.12 During the period 1 April 2004 to 31 March 2005 the Certification Officer received one application making five complaints relating to a merger under the 1992 Act. The complaints concerned the transfer of engagements of UNIFI to Amicus. Each of the complaints made were dismissed by the Certification Officer (**Lynch v UNIFI (CO/1964/18)**). Copies of this and all decisions of the Certification Officer are available from the Certification Office free of charge and decisions since 1 August 2001 are on the Certification Officer's website.

Changes of name

- 6.13 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. (See Appendix 10 for the statutory fee.) During the reporting period approval was given to the changes of name of two listed trade unions and one employers' association.

Trade Unions

	Effective Date
<i>From</i> COMMUNITY	
<i>To</i> Community	13 October 2004
<i>From</i> Portman Group Staff Association	
<i>To</i> Portman Staff Association	4 March 2005

Employers Associations

<i>From</i> Engineering Employers Western Association	30 June 2004
<i>To</i> EEF Western	

Political Funds

The 1992 Act enables trade unions and unincorporated employers' associations to establish separate funds in furtherance of political objectives as part of their aims. Under the terms of the Act a resolution to adopt the political objects must be passed by a ballot of the members. The Certification Officer is the statutory authority for approving the establishment and continuance of such funds. This Chapter explains the statutory provisions and reports developments in the period 1 April 2004 to 31 March 2005.

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 require approval by the Certification Officer. An independent scrutineer must be appointed to oversee the requirements of 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 should use an approved application form as prescribed in the Act or make an application giving the same information. Unless contributions to the political fund are collected by a separate levy, exempt members of the organisation must be relieved from the payment of the political fund element of the normal periodical contributions. The rules must provide for such relief to be given as far as possible to all exempt members on the occasion of the same periodical contribution. They must also provide for each member to know what portion, if any, of his or her contribution is a contribution to the political fund.

Complaints

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

- 7.5 A member can complain to the Certification Officer if a political fund ballot has been held, or is proposed to be held, in a way that does not comply with the rules for holding the ballot. Any complaint must be made within the period of one year beginning with the day 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 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 but only on a question of law.
- 7.7 The Employment Relations Act 2004 amended the 1992 Act to give the Certification Officer the power to strike out certain applications or complaints (see paragraph 3.29).

Review ballots

- 7.8 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

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

Organisations with new political fund rules approved for the first time during 2004-2005

- 7.10 During the reporting period, no unions held a ballot of their members on a resolution to establish a political fund.

Amalgamations of unions already holding a political fund

- 7.11 Where two or more trade unions, each with a political fund in force, amalgamate, the amalgamated union will be treated under the provisions of section 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 7.8) of such a newly constituted union is treated as having begun from the earliest of the political fund review dates of the amalgamating unions involved. During the reporting period, one such amalgamation was registered, that of the Iron and Steel Trades Confederation and the National Union of Knitwear Footwear and Apparel Trades to form Community.

Political fund resolutions in force

7.12 The number of political fund resolutions in force at 31 March 2005 was 29; three less than reported last year. There were four removals and one addition. The removals were the Iron and Steel Trades Confederation and the National Union of Knitwear Footwear and Apparel Trades (which ceased to exist upon amalgamating to form Community), the Graphical Paper and Media Union (which ceased to exist upon its transfer of engagements to Amicus) and the General Union of Loom Overlookers the political resolution of which lapsed. The addition was Community. Listed trade unions with a political fund are identified by the symbol (P) in Appendix 1 and the scheduled/unlisted trade unions with a political fund are similarly identified in Appendix 1a.

Political fund review ballots

7.13 During the period, fourteen trade unions held a review ballot as required by section 73(3) and (4) of the Act. The unions concerned were:

	<i>Turnout</i> %	<i>Yes</i> %	<i>No</i> %
Associated Society of Locomotive Engineers and Firemen	49	80	20
Bakers Food and Allied Workers Union	18	96	4
Broadcasting Entertainment Cinematograph and Theatre Union	29	75	25
Ceramic and Allied Trades Union	19	67	33
Communication Workers Union	33	73	27
Community	23	75	25
Fire Brigades Union	42	74	26
GMB	19	88	12
Graphical Paper and Media Union	23	67	33
Musicians Union	25	74	26
National Union of Rail Maritime and Transport Workers	37	88	12
Transport Salaried Staffs Association	26	78	22
Union of Shop Distributive and Allied Workers	18	81	19
UNISON	20	85	15

In all cases, members voted in favour of maintaining their political funds. The ballot rules of all the above unions were approved within the period covered by this report, with the exception of the Graphical Paper and Media Union, whose rules were approved in the period covered by the previous Report.

Political fund resolutions lapsed

- 7.14 The General Union of Loom Overlookers, whose political fund resolution expired on 21 February 2005, decided not to hold the review ballot necessary for the fund to be retained.

Political funds of trade unions at 31 March 2005

- 7.15 Detailed statistical information about the political funds of trade unions is derived from the unions' annual returns covering, in the majority of cases, the year ending 31 December 2003. The latest available information is given in Appendix 9 which is derived from returns made by trade unions maintaining political funds during this period.
- 7.16 Annual returns received during the period 1 April 2004 to 31 March 2005, show total income of political funds as £16.57 million compared with £15.85 million reported in the 2003-2004 report and expenditure of £14.76 million as compared with £14.05 million in the preceding year. Total funds were shown as £13.44 million in the returns received during the reporting period, up by £2.04 million or 17.9% on the £11.40 million contained in the 2003-2004 Report.

Political fund membership

- 7.17 Appendix 9 also gives membership information provided by the 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 4,280,153 compared with 4,439,496 in the 2003-2004 Report, a decrease of 3.6%.

Exemption notices

- 7.18 Exemption notices (see paragraph 7.3) are obtainable from the organisation concerned or from the Certification Office. The Office supplied 25 such notices during the period 1 April 2004 to 31 March 2005.

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. Six trade unions had amendments approved in this way during the period 1 April 2004 to 31 March 2005. These unions were the Broadcasting Entertainment Cinematograph and Theatre Union, Communication Workers Union, Musicians Union, National Union of Rail Maritime and Transport Workers, Union of Shop Distributive and Allied Workers and Transport and General Workers Union.

Political fund complaints

- 7.20 During the period 1 April 2004 to 31 March 2005, the Certification Officer received no complaints relating to political funds of trade unions.

Elections for Certain Positions

The 1992 Act requires that certain officers and all members of a trade union's executive committee must be elected to it by postal ballot. If they remain in that position for more than five years they must be re-elected. This chapter deals with the statutory provisions governing elections. As explained in chapter 9, the Certification Officer 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 such a position. Nor may anyone remain in such a position for more than five years without having been re-elected to it. There are, however, exemptions in respect of amalgamations, newly formed unions, special register bodies and officers nearing retirement. Elections are required to be by postal ballot of the members of the union, conducted in accordance with the relevant provisions in the 1992 Act.
- 8.2 Individual trade union members, and candidates in the election, have the statutory right to apply to the Certification Officer, or to the court (but not to both in respect of the same complaint), for a declaration that their trade union has failed to comply with one or more of the relevant provisions of the Act. The Certification Officer must give written reasons for his decision whether or not to grant a declaration and such reasons may be accompanied by written observations on any matter arising from, or connected with, the proceedings. The Employment Relations Act 2004 amended the 1992 Act to give the Certification Officer the power to strike out certain applications or complaints (see paragraph 3.29).
- 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 Certification Officer's website, www.certoffice.org.
- 8.7 When a hearing is held, certain expenses incurred by claimants and the necessary witnesses attending the hearings may be reimbursed by the Office at the discretion of the Certification Officer.
- 8.8 Appeals on any question of law arising in proceedings before or arising from a determination by the Certification Officer may be made to the Employment Appeal Tribunal.
- 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 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 even if the claimant withdraws his/her application to the Certification Officer. 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 2004 to 31 March 2005 the Certification Officer received one application relating to trade union elections. The application, against the Fire Brigade Union, remained outstanding at 31 March 2005.

- 8.12 The four applications which were outstanding at 31 March 2004 were determined by the Certification Officer during the course of this reporting period. These were:
- **Simms v Amicus (D/2/04)**. Ms Simms complained that Amicus had breached section 48(4) of the 1992 Act by modifying her election address. At the hearing the union conceded it had breached the statute and the Certification Officer made the declaration sought by the claimant. It was not considered appropriate to make an enforcement order.
 - **Beaumont v Amicus (D/3/04)** The Certification Officer declared that Amicus had breached section 46(1)(b) of the 1992 Act in that Mr R Lyons, a Joint General Secretary of the union, had continued to hold a position to which Chapter IV of the 1992 Act applied for a period of more than five years without having been re-elected at an election which satisfied the requirements of the Act. The Certification Officer made an enforcement order requiring that Mr Lyons should cease forthwith to hold office as Joint General Secretary of the union.
 - **Kerr v Stable Lads Association (D/15/04)**. At a hearing before the Certification Officer, the representatives of the parties agreed the terms of a settlement and the application was withdrawn. The Certification Officer dismissed the complaint on withdrawal by the claimant.
 - **Cook v National Union of Rail, Maritime and Transport Workers (D/21-28/04)**. The claimant alleged that the inclusion of a message from the General Secretary in the same envelope as the balloting material in the election for President of the union, amounted to interference with the members entitlement to vote without such interference or constraint and was therefore a breach of section 51(3)(a) of the 1992 Act. In refusing to make the declaration, the Assistant Certification Officer found that the General Secretary's actions did not constitute such interference or constraint. (See paragraph 9.9 regarding breach of union rule complaints relating to the same matter.)
- 8.13 Copies of these and all decisions of the Certification Officer are available free of charge from the Certification Office and decisions reached since 1 August 2001 are available on the Certification Officer's website.

Breach of Trade Union Rule Applications

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

The statutory provisions

- 9.1 Individual trade union members have the right to apply to the Certification Officer if there has been a breach or threatened breach of a trade union's rules relating to any of the matters set out in section 108A(2) of the 1992 Act. The matters are: -
- “(a) the appointment or election of a person to, or the removal of a person from, any office;*
 - (b) disciplinary proceedings by the union (including expulsion);*
 - (c) the balloting of members on any issue other than industrial action;*
 - (d) the constitution or proceedings of any executive committee or of any decision-making meeting;*
 - (e) such other matters as may be specified in an order made by the Secretary of State.”*
- 9.2 The claimant must be a member of the union or have been a member at the time of the alleged breach or threatened breach. The Certification Officer may not consider an application if the claimant has applied to the court in respect of the same matter. Similarly, once a complaint has been made to the Certification Officer the same matter may not be put to the court.
- 9.3 The Certification Officer may refuse to accept a complaint if he is not satisfied that the claimant has taken all reasonable steps to resolve the claim by the use of any internal complaints procedure of the union.
- 9.4 If the Certification Officer accepts a complaint he is required to make such enquiries as he thinks fit and, before reaching a decision on the complaint, provide the claimant and the trade union with an opportunity to be heard. All hearings before the Certification Officer are held in public. The Employment Relations Act 2004 amended the 1992 Act to give the Certification Officer the power to strike out certain applications or complaints (see paragraph 3.29).
- 9.5 The Certification Officer must give reasons for his decision in writing and, where he

makes the declaration sought, is required to make an enforcement order unless he considers that to do so would be inappropriate. The enforcement order may impose on the union one or more of the following requirements –

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

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

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

Applications and decisions

- 9.8 In the period 1 April 2004 to 31 March 2005 the Certification Officer received nine applications relating to alleged breaches of union rule in seven trade unions. Six of the applications were determined in the period. In addition, the five applications against individual trade unions outstanding at 31 March 2004 were determined. At 31 March 2005 seven applications against five individual trade unions remain outstanding.
- 9.9 The Certification Officer issued 27 decisions during the period 1 April 2004 to 31 March 2005. No enforcement orders were issued. Of the 27 decisions the following are noteworthy.
 - **Eadie v Amicus (D/4/05)**. The Certification Officer found the union in breach of its rules when, at an Annual Regional Political Conference of the union held in Glasgow, it failed to elect delegates to its Regional Political Committee in accordance with its rules.
 - **Horton v UNISON (D/3/05)**. In refusing to make a declaration, the Certification Officer found that the claimant was not a member of the union at the relevant time and therefore did not have the standing to bring a complaint under the 1992 Act. On the substantive issue the Certification Officer found that the union had not breached its rules relating to a branch election.

- **Cook v National Union of Rail, Maritime and Transport Workers (D/21-28/04)**. The claimant alleged that his union had breached its rules by including a message from the General Secretary in the same envelope as the ballot paper and election addresses of the candidates at the time of the union's election of its President. The Assistant Certification Officer refused to make the declarations sought. (See paragraph 8.12 regarding an election complaint relating to the same matter.)
- **Fenton v GMB (D/16-20/04)**. The Certification Officer dismissed five complaints that the union had breached its rules relating to its internal complaints procedure and the claimants application to the union for legal assistance.
- **Lynch v UNIFI (CO/1964/18)**. The Certification Officer dismissed a complaint arising out of the merger of the union with Amicus (see also paragraphs 4.10 and 6.12).
- **Saunders v Musicians' Union (No 2) (D/13/04)**. In refusing to make the declaration sought, the Certification Officer found that the union had not breached its rules in relation to a rule change ballot (see also paragraph 9.9 of the Certification Officer's Annual Report 2002-2003).
- **Paul v Union of Construction, Allied Trades and Technicians (D/7-12/04)**. In refusing to make the declarations sought by the claimant on each of six complaints, the Certification Officer found that the union had not breached its rules in relation to elections to the Scottish Regional Council.
- **Howley v Graphical Paper and Media Union (D/6/04)**. The Certification Officer refused to make the declaration sought by the claimant that the union had breached its rules at its Biennial Delegates Conference when a rule change was approved removing the Retired Members category of membership.
- **Higney v Educational Institute of Scotland (D/4-5/04)**. In a case heard in Edinburgh, the Certification Officer dismissed two complaints that the union had breached its rules by its alleged dissolution of a self-governing association within the union at the time of a transfer of engagements.

9.10 Copies of the above decisions and of all decisions of the Certification Officer are available free of charge from the Certification Office and decisions made since 1 August 2001 are available on the Certification Officer's website, www.certoffice.org.

9.11 In the period 1 April 2004 to 31 March 2005, a total of 467 enquiries were received.

General advice on the role of the Certification Officer	73
Appointment, election or dismissal from any office in the union	48
Disciplinary proceedings within the union	33
Balloting of union members (other than industrial action)	51
Constitution or proceedings of a union's executive committee or certain other bodies	32
Inadequate representation of members by their union	80
Union benefits or membership issues	32
Others	118
Total	467

This is a decrease of 96 enquiries on the corresponding period in 2003-2004 (see paragraph 9.11 of the 2003-2004 Annual Report). The decrease may reflect the increasing use of the Certification Officer's web site as a source of information.

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

Appendix 1

(see paragraph 1.10)

List of Trade Unions at 31 March 2005

Notes:

Italics denotes a trade union first entered in the list during 1 April 2004 to 31 March 2005.

* Denotes a trade union holding a certificate of independence at 31 March 2005.

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

(P) Denotes a trade union with a political fund resolution in force at 31 March 2005.

England and Wales

21st Century Aircrew

- * Abbey National Group Union – ANGU
- * Accord
- * Alliance and Leicester Group Union of Staff
Alliance for Finance
- * Ambulance Service Union
- * Amicus (P)
Associated Chiropodists and Podiatrists Union
- * Associated Society of Locomotive Engineers and Firemen (P)
Associated Train Crew Union
- * Association for College Management
- * Association of Cambridge University Assistants
- * Association of Clinical Biochemists Limited
- * Association of Educational Psychologists
- * Association of Licensed Aircraft Engineers (1981)
- * Association of Local Authority Chief Executives
- * Association of Magisterial Officers
Association of Management and Professional Staffs
- Association of Plastic Operatives and Engineers
- * Association of Principal Fire Officers
- * Association of Professional Ambulance Personnel
- * Association of Professional Music Therapists in Great Britain
Association of Somerset Inseminators
- * Association of Teachers and Lecturers
- * Association of University Teachers (P)
- * Audit Commission Staff Association

- * Bakers Food and Allied Workers Union (P)
Balfour Beatty Group Staff Association

- Birmingham Union of Club Stewards
- Boots Pharmacists Association (BPA)
- * Britannia Staff Union
- * British Air Line Pilots Association
- British Association of Advisers and Lecturers in Physical Education
- * British Association of Colliery Management
- * British Association of Dental Nurses
- * British Association of Journalists
- * British Association of Occupational Therapists Limited
- * British Dental Association
- * British Dietetic Association
- * British Medical Association
- * British Orthoptic Society
- * British Union of Social Work Employees
- * Broadcasting Entertainment Cinematograph and Theatre Union (P)

- * Card Setting Machine Tenters Society
- * Ceramic and Allied Trades Union (P)
- * Chartered Society of Physiotherapy
- * Cheshire Building Society Staff Association
- City Screen Staff Forum
- * Communication Workers Union (P)
- * *Community* (P)
- * Community and District Nursing Association
- * Community and Youth Workers Union
- * Connect; The Union for Professionals in Communications (P)
- Council of Civil Service Unions

- * Derbyshire Group Staff Union
- # Dexion Staff Association
- * Diageo Staff Association
- * Directors Guild of Great Britain
- Distribution Staff Association

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

Notes:

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* Denotes a trade union holding a certificate of independence at 31 March 2005.

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

(P) Denotes a trade union with a political fund resolution in force at 31 March 2005.

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

- * Gallaher Sales Staff Association
- * General Dental Practitioners Association
- General Federation of Trade Unions
- General Practitioners Union
- * General Union of Loom Overlookers
- * GMB (P)
- * Guild of Professional Teachers of Dancing

- Harrods Staff Union
- Headmasters and Headmistresses Conference
- Heathrow Express Staff Association
- * Hospital Consultants and Specialists Association
- * Hyde and District Textile (Technicians and Operatives) Association

- * Immigration Service Union
- Institute of Football Management and Administration
- * Institute of Journalists (Trade Union)
- * IPF
- * Irish Bank Officials Association

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

- * Musicians Union (P)

- * NAPO – the Trade Union and Professional Association for Family Court and Probation Staff
- * National Association of Colliery Overmen Deputies and Shotfirers (P)
- * National Association of Colliery Overmen Deputies and Shotfirers (South Wales Area)
- * National Association of Co-operative Officials
- * National Association of Educational Inspectors Advisers and Consultants
- * National Association of Head Teachers
- * National Association of NFU Group Secretaries
- * National Association of Schoolmasters and Union of Women Teachers (P)
- * National Association of Teachers in Further and Higher Education (P)
- * National Federation of Sub-Postmasters
- National House Building Council Staff Association
- * National Society for Education in Art and Design
- * National Union of Domestic Appliances and General Operatives (P)

- * National Union of Flint Glass Workers
- * National Union of Journalists
- * National Union of Marine Aviation and Shipping Transport Officers
- * National Union of Mineworkers (P)
 - National Union of Mineworkers (Cokemens Area)
- * National Union of Mineworkers (Colliery Officials and Staffs Area)
- * National Union of Mineworkers (Colliery Officials and Staffs Area) (Region No. 4)
 - National Union of Mineworkers (Derbyshire Area)
 - National Union of Mineworkers (Durham Area)
- * National Union of Mineworkers (Leicester Area)
 - National Union of Mineworkers (Midland Area)
 - National Union of Mineworkers (North Stafford Federation Midland Area)
 - National Union of Mineworkers (Northumberland Area)
 - National Union of Mineworkers (North Wales Area)
 - National Union of Mineworkers (South Wales Area)
- * National Union of Rail Maritime and Transport Workers (P)
- * National Union of Teachers
- * Nationwide Group Staff Union
- # NISA

- * Portman Group Staff Association
- * Prison Governors Association
- * Prison Officers Association (P)
- * Prison Service Union
- * Professional Association of Cabin Crew Employees
- * Professional Association of Teachers
 - Professional Cricketers Association
- # Professional Flight Instructors Association
 - Professional Footballers Association
 - Professional Rugby Players Association
- * Prospect (P)
- * Public and Commercial Services Union
 - Public Transport (Staff) Consortium

Notes:

Italics denotes a trade union first entered in the list during 1 April 2004 to 31 March 2005.

* Denotes a trade union holding a certificate of independence at 31 March 2005.

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

(P) Denotes a trade union with a political fund resolution in force at 31 March 2005.

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

Scarborough Building Society Staff Association (SOCASS)

- * Secondary Heads Association
- Securicor Custodial Services Staff Association
- Sheffield Wool Shear Workers Trade Union
- Shield Guarding Staff Association
- * Skipton Staff Association
- * Society of Authors Limited
- * Society of Chiropractors and Podiatrists
- * Society of Radiographers
- * Society of Union Employees (UNISON)
- * Stable Lads Association
- * Staff Association of Bank of Baroda (UK Region)
- * Staff Union West Bromwich Building Society

- * Teston Independent Society of Cricket Ball Makers
- * Transport and General Workers Union (P)
- * Transport Salaried Staffs Association (P)

* UBAC

- * Undeb Cenedlaethol Athrawon Cymru (National Association of Teachers of Wales)
- * Union of Construction Allied Trades and Technicians (P)
- Union of Country Sports Workers
- * Union of Democratic Mineworkers (P)
- Union of Federation of Employed Door Supervisors and Security
- * Union of Finance Staff
- Union of General & Volunteer Workers
- * Union of Senior Revenue Officials (P)
- * Union of Shop Distributive and Allied Workers (P)
- * UNISON – The Public Service Union (P)
- * United Road Transport Union

Warwick International Staff Association

Welsh Rugby Players Association

Whatman Staff Association

- * Writers Guild of Great Britain

- * Yorkshire Independent Staff Association

Scotland

Aegis; The Aegon UK Staff Association

* Association of Head Teachers in Scotland

* Dunfermline Building Society Staff Association

* Educational Institute of Scotland (P)

Independent Federation of Nursing in Scotland

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

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

* Offshore Industry Liaison Committee

* Prison Staff Association

Scottish Artists Union

* Scottish Carpet Workers Union

* Scottish Secondary Teachers Association

Notes:

Italics denotes a trade union first entered in the list during 1 April 2004 to 31 March 2005.

* Denotes a trade union holding a certificate of independence at 31 March 2005.

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

(P) Denotes a trade union with a political fund resolution in force at 31 March 2005.

Schedule to Appendix 1

(see paragraph 1.15)

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 2005

Notes:

‡A branch of an independent American trade union.

(P) Denotes a trade union with a political fund resolution in force at 31 March 2005.

England and Wales

Association of Flight Attendants (Council 07)‡

Confederation of Shipbuilding and Engineering Unions

Federation of Entertainment Unions

Friends Provident Line Managers Association

Ice Hockey Players Association (Great Britain)

Immigration and Nationality Workers Union

International Federation of Actors

International Transport Workers Federation

Joint Committee of Light Metal Trades Union (1992)

Leeds and Holbeck Building Society Staff Association

National Union of Mineworkers (North East Area)

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

Nestle Field Sales Staff Association

NFU Staff Association

Society of Local Council Clerks

Society of Registration Officers (Births, Deaths and Marriages)

Trades Union Congress

Scotland

National Union of Mineworkers – Scottish Area

Appendix 2

(see paragraph 1.10)

List of Employers' Associations at 31 March 2005

England and Wales

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

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

Cinema Exhibitors Association
Clothing Trades Alliance
Construction Confederation
Construction Plant-Hire Association
Co-operative Employers Association

East Midlands Regional Local Government Association
East of England Local Government Conference
EEF East Midlands & Mid-Anglia Association
EEF North West
EEF Northern Association
EEF South
EEF Western
EEF West Midlands Association
EEF Yorkshire and Humberside

Electrical Contractors Association
Engineering Construction Industry Association
Engineering Employers East Anglian Association
Engineering Employers Federation
Engineering Employers Sheffield Association (South Yorkshire and North Midlands)
England and Wales Cricket Board Limited

Federation of Dredging Contractors
Federation of Master Builders

Glass and Glazing Federation

Heating and Ventilating Contractors Association
Hinckley and District Knitting Industry Association

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

Mastic Asphalt Council

National Association of Farriers Blacksmiths and Agricultural Engineers
National Association of Master Bakers
National Farmers Union
National Federation of Master Window and General Cleaners
National Federation of Retail Newsagents
National Fillings Association
National Hairdressers Federation
National Pharmaceutical Association Limited
National Sawmilling Association
National Trainers Federation
Newspaper Society
North East Regional Employers Organisation for Local Authorities

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

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

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

Thermal Insulation Contractors Association

Vehicle Builders and Repairers Association Limited

Yorkshire and Humberside Local Authorities Employers Forum
Yorkshire Glass Manufacturers Association

Scotland

British Box and Packaging Association

Electrical Contractors Association of Scotland
Employers in Voluntary Housing Limited

Malt Distillers Association of Scotland

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

Schedule to Appendix 2

(see paragraph 1.15)

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 2005

England and Wales

Association of Colleges

B F M Limited

British Ceramic Confederation

British Footwear Association

British Jewellery and Giftware Federation Ltd

British Luggage and Leather Goods Manufacturers Association

British Narrow Fabrics Association

Chemical Industries Association Ltd

Confederation of British Wool Textiles Limited

Corrugated Packaging Association

Covent Garden Tenants Association Limited

Dairy Industry Federation Ltd

Federation of Engineering Design Companies Ltd

Felt Roofing Contractors Employers Association

Fencing Contractors Association

Food Manufacturers Industrial Group

Freight Transport Association

Incorporated Guild of Hairdressers Wigmakers and Perfumers

Kaolin and Ball Clay Association (UK)

Kidderminster District Carpet Manufacturers and Spinners Association

Leicester and County Footwear Manufacturers Association

Lighter Trades Industrial Section

London Association of Funeral Directors

London Fish Merchants Association (Billingsgate) Limited

Master Carvers Association
Metal Packaging Manufacturers Association

National Bedding Federation Limited
National Federation of Roofing Contractors Ltd
North West Timber Trades Association
North Western Local Authorities Employers Organisation
Northern Brick Federation

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

Screen Printing Association (UK) Ltd
Sheffield Spoon and Fork Blank Manufacturers Association
Society of London Theatre "SOLT"

Theatrical Management Association Ltd
Tobacco Industry Employers Association

United Kingdom Jute Goods Association Ltd
Universities and Colleges Employers Association

West Midlands Local Government Association

Scotland

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

Banff and Moray Master Plumbers Association

Central Counties Plumbing and Mechanical Services Association
Civil Engineering Contractors Association (Scotland)

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

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

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

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

Highland Building Employers Association

Inverness and Northern District Master Plumbers Association

Lanarkshire Master Plumbers Association

National Metal Trades Federation

Perth and District Master Plumbers Association

Renfrewshire Master Builders

Scottish Association of Master Bakers
Scottish Association of Meat Wholesalers
Scottish Beer and Pub Association
Scottish Building
Scottish Building - Dundee and Angus
Scottish Building - Fife Association
Scottish Building Glasgow & District Association
Scottish Building - Moray District
Scottish Building Orkney Association
Scottish Building - Perth and District
Scottish Federation of Meat Traders Association
Scottish Knitwear Association
Scottish Master Slaters and Roof Tilers Association
Scottish Wholesale Association

Western Isles Building Employers Association

Appendix 3

(see paragraph 2.8)

Decisions on Trade Union Independence during the period 1 April 2004 to 31 March 2005

Certificates of independence issued

Community

IPF

Certificates of independence refused

None

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

Diplomatic Services Association

Graphical Paper and Media Union

Iron and Steel Trades Confederation

National Union of Knitwear Footwear and Apparel Trades

National Union of Lock and Metal Workers

Staffordshire Building Society Staff Association

UNIFI

Certificates cancelled because the union was dissolved

Engineering and Fasteners Trade Union

Applications in progress

None

Appendix 4

Summary of Statistics – Trade Unions, returns received during the period 1 April 2004 to 31 March 2005

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

The information in the table relates to returns received during the reporting period. Although a large proportion of these returns are for the year ending 31 December 2003, the table includes returns from trade unions with year ending dates ranging from October 2003 to September 2004 and therefore due in this Office between 1 April 2004 and 31 March 2005.

Notes to the Summary of Statistics schedule

- (a) The total membership reported by some trade unions includes a number of special categories (e.g. 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.

Summary of Statistics – Trade Unions, 2003-2004

(see paragraph 4.3)

	Number of Members (a) (1)	GROSS INCOME			
		From Members £000s (2)	From Investments £000s (b) (3)	Other Income £000s (4)	Total Income £000s (c) (5)
		UNISON: The Public Service Union	1,301,000	126,518	1,703
Amicus	935,321	63,724	3,036	2,641	69,401
Transport and General Workers Union	816,986	71,782	927	195	72,904
GMB	600,106	46,053	970	834	47,857
Royal College of Nursing of the United Kingdom	372,506	21,174	0	818	21,992
Union of Shop Distributive and Allied Workers	331,703	22,993	1,233	3,886	28,112
National Union of Teachers	324,284	22,264	1,050	1,693	25,007
National Association of Schoolmasters and the Union of Women Teachers	304,762	18,070	675	1,930	20,675
Public and Commercial Services Union	295,063	24,928	375	1,479	26,782
Communication Workers Union	258,696	26,933	286	735	27,954
Association of Teachers and Lecturers	201,845	11,305	487	727	12,519
UNIFI	136,947	8,789	321	28	9,138
British Medical Association	128,566	28,658	6,445	52,707	87,810
Union of Construction Allied Trades and Technicians	110,886	5,632	88	66	5,786
Prospect	104,755	10,951	1,635	403	12,989
Total for above unions with 100,000 members or more	6,223,426	509,774	19,231	72,692	601,697
Total for 175 other listed unions with less than 100,000 members	1,329,029	160,111	11,602	51,745	223,458
Total for listed unions	7,552,455	669,885	30,833	124,437	825,155
Trades Union Congress	0	12,950	3,407	8,671	25,028
Total for 15 other unlisted unions which have submitted returns	6,607	4,105	2,132	18,718	24,955
Total for all unions 2003-2004	7,559,062	686,940	36,372	151,826	875,138
Total for all unions 2002-2003	7,735,983	673,556	45,541	130,358	849,455

Notes – see previous page

Appendix 4

GROSS EXPENDITURE	TOTAL FUNDS		GROSS ASSETS				
Total Expenditure (c) £000s (6)	Beginning of the Year (d) £000s (7)	End of the Year £000s (8)	Fixed Assets £000s (9)	Investment Assets £000s (10)	Other Assets £000s (11)	Total Assets £000s (12)	Total Liabilities £000s (13)
126,846	91,213	97,138	34,737	55,910	20,517	111,164	14,026
71,507	97,357	95,251	50,019	55,566	10,360	115,945	20,694
72,659	91,613	91,858	60,214	24,290	14,796	99,300	7,442
64,312	42,406	25,951	28,724	15,809	4,767	49,300	23,349
21,992	0	0	0	0	8,218	8,218	8,218
25,029	23,703	26,786	9,385	16,956	3,294	29,635	2,849
24,782	11,219	11,444	3,701	4,395	7,066	15,162	3,718
20,157	24,340	24,858	11,022	13,092	2,672	26,786	1,928
26,219	21,667	22,230	9,938	9,410	3,662	23,010	780
27,911	19,443	19,486	12,836	6,395	8,071	27,301	7,815
12,077	8,055	8,497	3,901	2,227	4,803	10,931	2,434
10,314	4,862	3,686	4,927	642	1,238	6,807	3,121
80,888	87,460	94,382	7,301	71,455	48,467	127,223	32,841
5,488	5,404	5,702	4,306	15	1,976	6,297	595
12,074	27,582	28,497	5,437	21,646	2,332	29,415	918
602,255	556,324	555,766	246,448	297,808	142,239	686,494	130,728
217,681	310,035	315,812	91,714	170,485	109,642	371,841	56,029
819,936	866,359	871,578	338,162	468,293	251,881	1,058,335	186,757
24,875	8,439	8,592	7,258	2,998	5,206	15,462	6,870
32,999	61,109	53,065	10,050	21,439	34,367	65,856	12,791
877,810	935,907	933,235	355,470	492,730	291,454	1,139,653	206,418
842,817	907,261	913,899	468,805	422,115	323,781	1,214,701	300,802

Appendix 5

(see paragraph 4.14)

Salary and Benefits of Trade Union General Secretaries

England and Wales	Title (General Secretary unless stated)	£ Salary	£ Benefits
Abbey National Group Union – ANGU		11,556	7,248
Accord		83,069	21,357
Alliance and Leicester Group Union of Staff			6,917
Ambulance Service Union			3,000 (a)
Amicus	Joint General Secretaries	86,391 (c) 88,451	71,396 (b)(c) 14,353
Associated Society of Locomotive Engineers and Firemen		68,539 (d)	73,022 (b)(d)
Association for College Management		67,114	9,112
Association of Educational Psychologists		47,248	5,670
Association of Local Authority Chief Executives			2,000 (a)
Association of Magisterial Officers		50,155	16,336
Association of Professional Ambulance Personnel	Treasurer	10,640	
Association of Professional Music Therapists in Great Britain	Chairperson		1,767 (a)
Association of Teachers and Lecturers		37,918 (c)	8,418 (c)
Association of University Teachers		67,646	17,453
Bakers, Food and Allied Workers' Union		35,285	10,227
Birmingham Union of Club Stewards			1,300 (a)
Boots Pharmacists' Association (BPA)	Chief Executive Officer		4,375 (a)
British Air Line Pilots Association		79,460	13,649
British Association of Advisers and Lecturers in Physical Education		34,468	
British Association of Colliery Management		58,235	6,197
British Association of Dental Nurses		23,201	1,431
British Association of Journalists		10,625	439
British Association of Occupational Therapists Ltd	Chairman	6,713 (e)	
British Dental Association	Chief Executive	98,810	14,821
British Medical Association	Chairman		55,331 (a)

British Union of Social Work Employees		6,930	
Broadcasting Entertainment Cinematograph and Theatre Union		50,184	14,019
Ceramic and Allied Trades Union		34,835	16,231
Chartered Society of Physiotherapy	Chief Executive	76,312	14,876
Church and Oswaldtwistle Power-Loom Overlookers Society			40 (a)
Communication Workers Union		74,634	19,013
Community & Youth Workers Union		35,761	2,861
Community and District Nursing Association		40,000	2,000
Confederation of Shipbuilding and Engineering Unions		57,076	17,693
Connect; The Union for Professionals in Communications		63,224 (d)	12,734 (d)
Engineering and Fasteners Trade Union		300	
Equity (Incorporating the Variety Artistes' Federation)		66,000	15,180
FDA		73,000	14,746
Federation of Entertainment Unions		11,844	
Fire Brigades Union		54,984	33,879
Fire Officers' Association		30,770	2,529
GMB		71,000	15,000
General Dental Practitioners Association			27,235 (a)
General Federation of Trade Unions		50,598	10,526
General Union of Loom Overlookers		23,401	
Graphical Paper and Media Union		72,405	14,492
Guild of Professional Teachers of Dancing			15,700 (a)
Headmasters and Headmistresses Conference		83,216	868
Hospital Consultants and Specialists Association	Chief Executive Officer	52,157	4,070
Hyde and District Textile (Technicians and Operatives) Association		399	
Ice Hockey Players Association (Great Britain)	Executive Director		1,500 (a)
Immigration Service Union			1,500 (a)
Independent Pilots Federation			7,240
Institute of Football Management and Administration		8,500	
Institute of Journalists (Trade Union)		24,740 (d)	
International Federation of Actors		41,167	6,784
International Transport Workers Federation		75,343	16,019
Irish Bank Officials Association		€85,261	€63,551
Iron and Steel Trades Confederation		35,753 (c)	4,892 (c)

Lecturers Employment Advice and Action Fellowship	18,626	4,166
Lloyds TSB Group Union	85,974	49,519
Musicians Union	58,706	21,952
NAPO – The Trade Union and Professional Association for Family Court and Probation Staff	48,574	9,186
NISA	44,560	447
National Association of Co-operative Officials	59,028	14,269
National Association of Colliery Overmen Deputies and Shotfirers	15,122	1,506
National Association of Colliery Overmen Deputies and Shotfirers (South Wales Area)	30,452	
National Association of Educational Inspectors Advisers and Consultants	58,293	
National Association of Head Teachers	101,660	18,547
National Association of NFU Group Secretaries		6,500 (a)
National Association of Schoolmasters and the Union of Women Teachers	80,520	27,392
National Association of Teachers in Further and Higher Education	56,691	12,330
National Federation of Sub-Postmasters	63,883	18,242
National Society for Education in Art and Design	44,263	
National Union of Domestic Appliances and General Operatives	28,500	11,754
National Union of Flint Glassworkers	1,750	
National Union of Journalists	52,702	4,363
National Union of Knitwear Footwear and Apparel Trades	35,753 (c)	4,892 (c)
National Union of Lock and Metal Workers	26,781	16,352
National Union of Marine Aviation and Shipping Transport Officers	65,088	13,032
National Union of Mineworkers	32,628	7,262
National Union of Mineworkers (Cokemens Area)	44,415	685
National Union of Mineworkers (Colliery Officials and Staffs Area) Region No 4	18,855	2,242
National Union of Mineworkers (Derbyshire Area)	45,470	13,307
National Union of Mineworkers (Durham Area)	6,734	10,392
National Union of Mineworkers (Leicester Area)	26,124	2,550
National Union of Mineworkers (North East Area)	48,955	5,347
National Union of Mineworkers (North Wales Area)	19,681	4,999
National Union of Mineworkers (Northumberland Area)	45,289 (f)	16,210 (f)
National Union of Mineworkers (South Wales Area)	40,132	8,000
National Union of Mineworkers North Stafford Federation (Midlands Area)	20,113	
National Union of Rail Maritime and Transport Workers	63,287	3,315
National Union of Teachers	92,870	18,760
Nationwide Group Staff Union	73,000	16,025

Prison Officers Association		54,659	36,705
Prison Service Union		37,150	12,801
Professional Association of Teachers		62,601	7,086
Professional Cricketers Association	Chief Executive	110,375 (d)	26,681 (d)
Professional Footballers Association		582,033	164,373
Professional Rugby Players Association		61,200	
Prospect		80,963	23,100
Public and Commercial Services Union		64,884	20,440
RSPB Staff Association	Chairperson	250 (c)	
Retail Book Stationery and Allied Trades Employees Association	President	34,105	5,883
Retained Firefighters Union		32,664	3,266
Retired Officers Association		2,101	
Royal College of Midwives		96,686 (g)	24,849 (g)
Royal College of Nursing of the United Kingdom		115,896 (h)	17,614 (h)
Secondary Heads Association		80,647	12,872
Securicor Custodial Services Staff Association		33,841	3,727
Society of Authors Ltd		77,600	38,487
Society of Chiropodists and Podiatrists		58,970 (d)	4,190 (d)
Society of Local Council Clerks	Chief Executive	28,402	2,883
Society of Radiographers		15,889 (c)	
Stable Lads Association		35,000	
Trades Union Congress		90,497 (d)	90,230 (b)(d)
Transport Salaried Staffs Association		57,269 (c)(d)	
Transport and General Workers Union		114,760 (d)	10,329 (d)
UBAC		40,358	5,482
UNIFI	Joint General Secretaries	73,606	24,901
		73,479	19,789
UNISON: The Public Service Union		82,397	24,972
Undeb Cenedlaethol Athrawon Cymru (The National Association of the Teachers of Wales)		33,615 (d)	2,863 (d)
Union of Construction Allied Trades and Technicians		58,185	14,603
Union of Democratic Mineworkers		86,131 (i)	22,000 (i)
Union of Finance Staff		77,468	3,818
Union of Shop Distributive and Allied Workers		70,723	19,181
United Road Transport Union		46,394	13,861
Welsh Rugby Players Association		21,000	
Writers Guild of Great Britain		45,000	3,375

Scotland

Association of Head Teachers in Scotland		16,000 (a)
Educational Institute of Scotland	78,903	13,614
Independent Federation of Nursing in Scotland	13,970	
National Association of Colliery Overmen Deputies and Shotfirers (Scottish Area)	9,107	
National Union of Mineworkers (Scotland Area)	27,519	6,346
Offshore Industry Liaison Committee	28,135	
Scottish Carpet Workers Union	21,287	2,020
Scottish Further and Higher Education Association	21,813	
Scottish Secondary Teachers Association	65,935	12,051

Notes:

- (a) Honorarium.
- (b) Includes, as a substantial proportion of the sum, a severance payment.
- (c) Payment made for a period of less than 12 months.
- (d) Total paid in respect of 2 people and is not the sum paid to one individual.
- (e) Payment made to Chairman's employer in respect of his services
- (f) 40% of General Secretary's salary (including pension and employer's national insurance contributions) is charged to the Provident and Benevolent Fund.
- (g) Includes a payment in respect of the General Secretary's role as Company Secretary to the RCM Trust.
- (h) Includes payments made in respect of the General Secretary's role in the associated charitable trust.
- (i) £74,275 of this salary and £22,000 of benefits is paid in respect of the position of President of the Nottinghamshire section of the UDM.

Appendix 6

Summary of Statistics – Employers' Associations, returns received during the period 1 April 2004 to 31 March 2005

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 copies 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 2003, the table includes returns from employers' associations with year ending dates ranging from October 2003 to September 2004 and therefore due in this Office between 1 April 2004 and 31 March 2005.

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 year's report due to later information.
- (d) Individually each of the Associations has reported a total income less than £2.5m.

Summary of Statistics – Employers’ Associations, 2003-2004

(see paragraph 4.16)

	GROSS INCOME				GROSS EXPENDITURE (b) £000s
	From Members	From Investments	Other Income	Total Income	
	£000s (1)	£000s (a) (2)	£000s (3)	£000s (b) (4)	
Employers’ Associations with over £2,500,000 total income					(5) £000s
Engineering Employers Federation	3,807	8,579	893	13,279	8,356
EEF West Midlands Association	2,405	133	6,763	9,301	9,028
EEF South	1,743	28	3,113	4,884	4,980
EEF North West	1,286	32	1,901	3,219	2,988
Engineering Employers Sheffield Association (South Yorkshire and North Midlands)	827	19	1,720	2,566	2,422
EEF Western	1,157	(5)	1,375	2,527	2,462
7 Other Engineering Employers Associations in Great Britain	5,427	444	2,967	8,838	10,117
England and Wales Cricket Board	0	584	73,529	74,113	74,353
Retail Motor Industry Federation	3,180	0	23,611	26,791	26,770
National Farmers Union	21,823	415	3,588	25,826	25,425
Freight Transport Association Limited	19,763	32	21	19,816	19,677
Electrical Contractors Association	3,126	1,136	10,462	14,724	14,495
Heating and Ventilating Contractors Association	2,852	577	7,921	11,350	10,375
Chemical Industries Association Limited	4,739	99	2,024	6,862	6,536
Association of Colleges	3,613	28	2,289	5,930	6,057
Road Haulage Association Limited	2,515	84	3,291	5,890	5,534
British Printing Industries Federation	2,980	119	2,607	5,707	4,850
National Federation of Retail Newsagents	4,783	131	14	4,928	4,709
Federation of Master Builders	4,136	52	61	4,249	4,069
National Pharmaceutical Association Limited	3,057	99	1,000	4,156	3,641
Society of London Theatre “SOLT”	444	46	3,595	4,085	4,033
South Western Provincial Employers’ Organisation	660	80	3,278	4,018	3,974
The Newspaper Society	2,150	85	1,552	3,787	3,747
East of England Local Government Conference	947	0	2,813	3,760	3,656
East Midlands Local Government Association	759	15	2,164	2,938	2,719
West Midlands Local Government Association	1,344	21	1,286	2,651	2,731
Total for above Employers’ Associations	99,523	12,833	163,838	276,194	267,704
Total for 59 other listed Employers’ Associations	18,032	1,410	9,949	29,391	28,606
Total for 67 other unlisted Employers’ Associations	8,292	1,551	6,519	16,362	15,783
Total for all Employers’ Associations 2003-2004	125,847	15,794	180,306	321,947	312,093
Total for all Employers’ Associations 2002-2003	109,843	16,013	163,139	288,995	292,027

Appendix 6

TOTAL FUNDS		GROSS ASSETS				Total Liabilities	Number of Members
Beginning of the Year (c) £000s (6)	End of the Year (7) £000s (7)	Fixed Assets £000s (8)	Investment Assets (d) £000s (9)	Other Assets £000s (10)	Total Assets £000s (11)		
28,674	33,597	2,528	32,279	945	35,752	2,155	13
6,574	6,847	4,110	2,434	2,729	9,273	2,426	878
2,682	2,586	1,328	906	1,123	3,357	771	406
1,379	1,610	1,527	45	1,603	3,175	1,565	796
561	705	663	0	749	1,412	707	620
1,062	1,127	328	431	851	1,610	483	549
7,015	5,736	555	1,581	4,915	7,051	1,315	2,038
(710)	(950)	954	10,548	10,319	21,821	22,771	168
4,304	4,325	8,046	0	0	8,046	3,721	9,811
48,753	49,154	43,088	10,802	9,586	63,476	14,322	136,573
4,079	4,218	2,683	0	5,016	7,699	3,481	10,163
45,387	45,616	1,684	52,484	18,836	73,004	27,388	2,200
4,513	5,488	1,014	2,557	6,561	10,132	4,644	1,337
592	918	46	0	2,720	2,766	1,848	153
1,667	1,540	224	0	4,753	4,977	3,437	436
3,831	4,187	2,377	2	2,819	5,198	1,011	9,619
(1,646)	(790)	817	1,217	2,035	4,069	4,859	2,272
2,981	3,200	1,997	1,476	1,601	5,074	1,874	19,863
3,117	3,297	2,774	0	2,112	4,886	1,589	12,896
2,250	2,765	1,463	2,010	1,706	5,179	2,414	4,415
167	219	2,178	0	8,604	10,782	10,563	128
1,725	1,769	266	2,040	624	2,930	1,161	73
2,126	2,166	105	1,369	1,857	3,331	1,165	150
1,308	1,412	561	0	1,868	2,429	1,017	100
241	460	137	0	867	1,004	544	82
237	157	75	8	1,552	1,635	1,478	81
172,869	181,359	81,528	122,189	96,351	300,068	118,709	215,820
33,984	34,769	19,760	5,544	14,732	40,036	5,267	26,476
17,674	18,253	4,001	9,945	9,803	23,749	5,496	10,381
224,527	234,381	105,289	137,678	120,886	363,853	129,472	252,677
239,208	236,176	112,868	124,342	139,461	376,671	140,495	256,263

Appendix 7

(see paragraph 5.4)

Trade Unions Maintaining Members' Superannuation Schemes at 31 March 2005

Note: an asterisk denotes schemes exempt from the need for actuarial examination (see paragraph 5.5). The TGWU scheme is so exempt but is audited within the union's annual return each year.

Amicus

- AEEU Section

- MSF Section (2 schemes listed below)

 - Sheet Metal Workers Superannuation Fund

 - APAC Members Superannuation Scheme*

- Graphical Paper and Media Sector (5 schemes listed below)

 - Electrotypers' and Stereotypers' Superannuation and Death Benefit Fund*

 - Greater London Branch Superannuation Fund

 - Litho Printers' Section Superannuation Fund

 - Plate Preparers' Section Superannuation Fund*

 - Printing Machine Branch Superannuation Fund

GMB

National Union of Flint Glass Workers

National Union of Rail Maritime and Transport Workers

Transport and General Workers Union*

Appendix 8

(see paragraph 6.10)

Mergers completed during the period 1 April 2004 to 31 March 2005

Trade Union Transfers of Engagement

<i>Engagements transferred from</i>	<i>To</i>	<i>Transfer registered on</i>
Anchor Group Staff Association	Amicus	8 June 2004
Diplomatic Services Association	FDA	12 August 2004
UNIFI	Amicus	21 October 2004
Graphical Paper and Media Union	Amicus	1 November 2004
National Union of Lock and and Metal Workers	Transport and General Workers Union	26 November 2004
Staffordshire Building Society Staff Association	Portman Staff Association	4 March 2005
Association of Magisterial Officers	Public and Commercial Service Union	28 March 2005 <i>(Transfer to take effect on 1 July 2005 in accordance with the instrument of transfer)</i>

Trade Unions Amalgamations

<i>Amalgamating trade unions</i>	<i>Forming</i>	<i>Amalgamation registered on</i>
Iron and Steel Trades Confederation and National Union of Knitwear Footwear and Apparel Trades	Community	1 July 2004

Appendix 9

Political Funds of Trade Unions, 2003-2004

(See Paragraph 7.14)

	Number of Members contributing to the Political Fund (b) (1)	Number of Members exempt from contributing to the Political Fund (b) (2)
Amicus	460,533	282,449
Associated Society of Locomotive Engineers and Firemen	17,125	347
Association of University Teachers	40,686	512
Bakers Food and Allied Workers Union	25,823	0
Broadcasting Entertainment and Theatre Union	25,453	161
Ceramic and Allied Trades Union	316	163
Communication Workers Union	212,394	32,250
Connect: The Union for Professionals in Communications	13,478	6,170
Educational Institute for Scotland	51,453	1,402
Fire Brigades Union	40,962	9,632
General Union of Loom Overlookers	204	16
GMB	563,310	36,796
Graphical Paper and Media Union	40,058	50,697
Iron and Steel Trades Confederation	24,263	3,398
Musicians Union	27,931	3,352
National Association of Colliery Deputies and Shotfirers	639	0
National Association of Schoolmasters and the Union of Woman Teachers	188,588	1,076
National Association of Teachers in Further and Higher Education	57,238	2,287
National Union of Domestic Appliances and General Operatives	1,871	3
National Union of Knitwear Footwear and Apparel Trades	9,667	74

POLITICAL FUND (a)

Income	Expenditure	Fund at Beginning of Year (c) £ (5)	Fund at End of Year £ (6)
£ (3)	£ (4)		
2,225,000	2,520,000	1,378,000	1,083,000
145,197	82,751	35,993	98,439
46,412	46,226	124	310
73,167	75,111	44,465	42,521
42,349	59,108	17,827	1,068
67,129	41,742	305,343	330,730
1,143,487	998,660	456,476	601,303
42,700	32,524	44,233	54,409
125,031	3,300	863,533	985,264
241,383	138,751	555,275	657,907
448	523	181	106
2,639,000	2,636,000	4,000	7,000
578,864	421,273	203,204	360,795
74,379	102,559	70,951	42,771
49,257	66,345	46,118	29,030
905	316	17,679	18,268
92,661	86,590	5,676	11,747
68,638	66,199	14,548	16,987
1,472	1,440	1,768	1,800
19,103	19,741	59,324	58,686

Political Funds of Trade Unions, 2003-2004 cont.

(See Paragraph 7.14)

	Number of Members contributing to the Political Fund (b) (1)	Number of Members exempt from contributing to the Political Fund (b) (2)
National Union of Mineworkers	4,121	162
National Union of Mineworkers North Western Cheshire and Cumbria Miners Association	14	0
National Union of Rail Maritime and Transport Workers	66,961	515
Prison Officers Association	28,976	0
Prospect	0	63
Transport and General Workers Union	721,921	15,813
Transport Salaried Staffs Association	30,091	2,471
Union of Construction Allied Trades and Technicians	76,712	15,793
Union of Democratic Mineworkers	2,660	0
Union of Senior Revenue Officials	2,123	73
Union of Shop Distributive and Allied Workers	314,143	17,560
UNISON: The Public Services Union	1,230,439	25,947
Total for the 32 unions with political funds in this period	4,280,153	509,182
Total for the 33 unions with political funds in the previous period	4,439,476	457,532

Notes:

- (a) The information in the table is derived from returns received during 2004-2005, the majority of which relate to the year ending 31 December 2003.
- (b) It should be noted that columns (1) and (2) do not necessarily add up to a union's total membership. This is because, in the case of some trade unions, total membership includes various classes of special category members (eg honorary, retired, unemployed) who are members under the union's rules but who are neither required to pay the political levy nor to seek formal exemption.
- (c) These figures may have changed from last year's report due to later information.

POLITICAL FUND (a)

Income	Expenditure	Fund at Beginning of Year (c) £ (5)	Fund at End of Year £ (6)
£ (3)	£ (4)		
49,906	68,068	92,949	74,787
32	0	285	317
225,000	151,000	294,000	368,000
53,965	57,830	4,401	536
2,594	0	243,688	246,282
2,014,000	1,941,000	2,309,000	2,382,000
122,704	89,688	120,772	153,788
161,000	149,000	4,000	16,000
1,062	758	6,591	6,895
6,165	0	88,613	94,778
1,275,319	1,035,022	702,069	942,366
4,985,000	3,872,000	3,637,000	4,750,000
16,573,329	14,763,525	11,628,086	13,437,890
15,853,184	14,048,216	9,591,710	11,396,678

Appendix 10

Current statutory fees applicable from 6 April 2005

The fees charged by the Certification Officer were amended in Parliament by *The Certification Officer (Amendment of Fees) Regulations 2005* (SI 2005/971). The regulations came into effect on 6 April 2005.

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

	Fee	
Application for entry in the list of trade unions	£150	(£139)
Application for entry in the list of employers' associations	£150	(£139)
Application for entry in the list of an amalgamated organisation where each amalgamating organisation is already entered	£41	(£54)
Application for approval of a change of name	£96	(£87)
Application for a certificate of independence	£4,066	(£3,891)
Application for formal approval of an instrument of transfer of engagements or an instrument of amalgamation	£1,850	(£1,950)
Inspection of merger documents	£19	(£46)

The figures in brackets are the fees that were current during the reporting year 2004-2005.

Appendix 11

Certification Office Publications

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

1. *Mergers: a guide to the statutory requirements for transfers of engagements and amalgamations of trade unions (2005)*
2. *Mergers: a guide to the statutory requirements for transfers of engagements and amalgamation of employers' associations (2005)*
3. *Guidance for trade unions wishing to apply for a certificate of independence (2005)*
4. *Guidance for trade unions and employers' associations wishing to establish a political fund (2004)*
5. *A guide to political fund review ballots (2004)*
6. *Financial Irregularities in trade unions and employers' associations. The approach of the Certification Officer in exercising his powers of investigation (2005)*
7. *Making a Complaint to the Certification Officer against a Trade Union (2005)*
8. *Annual Reports of the Certification Officer*
9. *The Certification Officer's Publication Scheme (2005)*
10. *Provision made by the Certification Officer relating to the disclosure of the identity of claimants*

