

Changes to legislation: There are currently no known outstanding effects for the Trade Union Act 2016, SCHEDULE 4. (See end of Document for details)

SCHEDULES

SCHEDULE 4

Section 22

MINOR AND CONSEQUENTIAL AMENDMENTS

Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)

- 1 Omit section 24C and sections 24ZH to 24ZK of the 1992 Act (which are superseded by the inserted Schedule set out in Schedule 1 to this Act).

Commencement Information

I1 Sch. 4 para. 1 in force at 1.4.2022 by S.I. 2021/1373, reg. 4(e)

- 2 In section 25 of the 1992 Act (remedy for failure: application to Certification Officer) in subsection (6A), for “section 24ZH or 24ZI” substitute “ paragraph 2 or 3 of Schedule A3 ”.

Commencement Information

I2 Sch. 4 para. 2 in force at 1.4.2022 by S.I. 2021/1373, reg. 4(e)

- 3 In section 45D of the 1992 Act (appeals from Certification Officer)—
(a) omit “24C,”;
(b) after “45C” insert “ or paragraph 5 of Schedule A3 ”.

Commencement Information

I3 Sch. 4 para. 3 in force at 1.4.2022 by S.I. 2021/1373, reg. 4(e)

- 4 In section 62 of the 1992 Act (right to a ballot before industrial action), for subsection (2) substitute—
“(2) For this purpose the question whether industrial action is regarded as having the support of a ballot shall be determined in accordance with section 226(2).”

Commencement Information

I4 Sch. 4 para. 4 in force at 1.3.2017 by S.I. 2017/139, reg. 2(n)(i)

- 5 In section 71 of the 1992 Act (restriction on use of funds for political objects), in subsection (1)(b), for sub-paragraph (ii) substitute—
“(ii) the making of contributions to that fund by members.”

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Commencement Information

I5 Sch. 4 para. 5 in force at 1.3.2017 by S.I. 2017/139, reg. 2(n)(i) (with reg. 4)

- 6 (1) Section 82 of the 1992 Act (rules as to political fund) is amended as follows.
- (2) In subsection (1), for paragraph (b) substitute—
- “(b) that a member of the union who is not a contributor (see section 84) shall not be under any obligation to contribute to the political fund;”.
- (3) In subsection (1)(c), for “being so exempt” substitute “not being a contributor”.

Commencement Information

I6 Sch. 4 para. 6 in force at 1.3.2017 by S.I. 2017/139, reg. 2(n)(i) (with reg. 4)

- 7 (1) Section 86 of the 1992 Act is amended as follows.
- (2) For the heading substitute “**Employer not to deduct contributions where member gives certificate**”.
- (3) In subsection (1), for paragraphs (a) and (b) substitute “, he is not a contributor to the fund,”.

Commencement Information

I7 Sch. 4 para. 7 in force at 1.3.2017 by S.I. 2017/139, reg. 2(n)(i) (with reg. 4)

- 8 In section 91 of the 1992 Act (rules to cease to have effect), in subsection (4), for the words before paragraph (a) substitute “A member of a trade union who has at any time not been a contributor to its political fund shall not for that reason—”.

Commencement Information

I8 Sch. 4 para. 8 in force at 1.3.2017 by S.I. 2017/139, reg. 2(n)(i) (with reg. 4)

- 9 (1) Section 94 of the 1992 Act (overseas members of trade union) is amended as follows.
- (2) In subsection (1) omit paragraph (b) and the word “and” at the end of paragraph (a).
- (3) In subsection (2) omit the words after “the rules”.

Commencement Information

I9 Sch. 4 para. 9 in force at 1.3.2017 by S.I. 2017/139, reg. 2(n)(i) (with reg. 4)

- 10 In section 118 of the 1992 Act (federated trade unions), in subsection (7), for “not exempt from the obligation to contribute” substitute “contributors”.

Commencement Information

I10 Sch. 4 para. 10 in force at 1.3.2017 by S.I. 2017/139, reg. 2(n)(i) (with reg. 4)

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- 11 In section 135 of the 1992 Act (federated employers' associations), in subsection (4), for “not exempt from the obligation to contribute” substitute “contributors”.

Commencement Information

I11 Sch. 4 para. 11 in force at 1.3.2017 by S.I. 2017/139, reg. 2(n)(i) (with reg. 4)

- 12 In section 226 of the 1992 Act (requirement of ballot before action by trade union), in subsection (2)(a), omit the word “and” at the end of sub-paragraph (ii).

Commencement Information

I12 Sch. 4 para. 12 in force at 1.3.2017 by S.I. 2017/139, reg. 2(n)(i)

- 13 In section 233 of the 1992 Act (calling of industrial action with support of ballot), for subsections (1) to (3) substitute—

“(1) Industrial action shall be regarded as having the support of a ballot only if—

- (a) it is called by a person specified or of a description specified in the voting paper for the ballot in accordance with section 229(3), and
- (b) there was no call by the trade union to take part or continue to take part in industrial action to which the ballot relates, or any authorisation or endorsement by the union of any such industrial action, before the date of the ballot.”

Commencement Information

I13 Sch. 4 para. 13 in force at 1.3.2017 by S.I. 2017/139, reg. 2(n)(i)

- 14 In section 234 of the 1992 Act (period after which ballot ceases to be effective)—
- (a) in subsection (3) omit the words after paragraph (b);
 - (b) in subsection (6) omit the second sentence.

Commencement Information

I14 Sch. 4 para. 14 in force at 1.3.2017 by S.I. 2017/139, reg. 2(n)(i)

- 15 (1) Section 254 of the 1992 Act (the Certification Officer) is amended as follows.
- (2) In subsection (5A) omit “Subject to subsection (6),”.
 - (3) Omit subsection (6).

Commencement Information

I15 Sch. 4 para. 15 in force at 1.4.2022 by S.I. 2021/1373, reg. 4(e)

- 16 In section 256 of the 1992 Act (procedure before the Certification Officer), in subsection (1)(c), for the words after “declaration or” substitute “order under

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section 24B, 32ZC, 45C, 55, 72A, 80, 82 or 103 or under paragraph 5 of Schedule A3 ”.

Commencement Information

I16 Sch. 4 para. 16 in force at 1.4.2022 by S.I. 2021/1373, reg. 4(e)

17 After section 297 of the 1992 Act insert—

“297A Meaning of “voting”

For the purposes of this Act, the number of persons voting in a ballot includes those who return ballot papers that are spoiled or otherwise invalid.”

Commencement Information

I17 Sch. 4 para. 17 in force at 1.3.2017 by S.I. 2017/139, reg. 2(n)(ii)

18 In section 298 of the 1992 Act (minor definitions: general), at the appropriate place insert—

““legal professional privilege”, as respects Scotland, means confidentiality of communications;”.

Commencement Information

I18 Sch. 4 para. 18 in force at 1.3.2017 by S.I. 2017/139, reg. 2(n)(ii)

19 In section 299 of the 1992 Act (index of defined expressions), at the appropriate places insert—

“contributor (in relation to the political fund of a section 84(5) trade union)

“legal professional privilege (as respects section 298 Scotland)

“voting section 297A”

Commencement Information

I19 Sch. 4 para. 19 in force at 1.3.2017 by S.I. 2017/139, reg. 2(n)(ii)

Trade Union and Labour Relations (Northern Ireland) Order 1995 (S.I. 1995/1980 (N.I. 12))

20 (1) Article 71 of the Trade Union and Labour Relations (Northern Ireland) Order 1995 (S.I. 1995/1980 (N.I. 12)) (application to Great Britain unions and members) is amended as follows.

(2) In paragraph (3)—

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- (a) for “exempt from the obligation to contribute” substitute “ not a contributor ”;
 - (b) for “so exempt” substitute “ not a contributor to that fund ”.
- (3) Omit paragraph (5)(b).

Commencement Information

I20 Sch. 4 para. 20 in force at 1.3.2017 by S.I. 2017/139, reg. 2(n)(ii) (with reg. 4)

Consequential repeals

- 21 In consequence of the amendments made by this Act, omit the following—
- (a) in the Trade Union Reform and Employment Rights Act 1993, paragraph 47(b) of Schedule 8;
 - (b) in the Employment Relations Act 1999, paragraph 10 of Schedule 3 and paragraphs 17(2) and 18(2) of Schedule 6;
 - (c) in the Employment Relations Act 2004, section 24(2) and paragraph 14 of Schedule 1.

Commencement Information

I21 Sch. 4 para. 21(a)(c) in force at 1.3.2017 by S.I. 2017/139, reg. 2(n)(iii)

I22 Sch. 4 para. 21(b) in force at 1.4.2022 by S.I. 2021/1373, reg. 4(e)

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