

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- 1 Omit section 24C and sections 24ZH to 24ZK of the 1992 Act (which are superseded by the inserted Schedule set out in Schedule 1 to this Act).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

Status: This is the original version (as it was originally enacted).

- (3) In subsection (2) omit the words after “the rules”.
- 10 In section 118 of the 1992 Act (federated trade unions), in subsection (7), for “not exempt from the obligation to contribute” substitute “contributors”.
- 11 In section 135 of the 1992 Act (federated employers’ associations), in subsection (4), for “not exempt from the obligation to contribute” substitute “contributors”.
- 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).
- 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.”
- 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.
- 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).
- 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 section 24B, 32ZC, 45C, 55, 72A, 80, 82 or 103 or under paragraph 5 of Schedule A3”.
- 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.”

- 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;”.
- 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 trade union) | section 84(5)”

“legal professional privilege (as respects
Scotland) | section 298”

“voting | section 297A”

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)—

- (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).

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.