



Trade Union Act 2016

2016 CHAPTER 15

Certification Officer

20 Power to impose levy

(1) After section 257 of the 1992 Act insert—

“257A Levy payable to Certification Officer

- (1) The Secretary of State may by regulations make provision for the Certification Officer to require trade unions and employers’ associations (“relevant organisations”) to pay a levy to the Officer.
- (2) The regulations must require the Certification Officer, in determining the amounts to be levied, to aim to ensure that the total amount levied over any period of three years does not exceed the total amount of the Officers’s expenses over that period that are referable to specified functions of the Officer.
- (3) The regulations may make provision for determining what things count as expenses of the Certification Officer for the purposes of provision made by virtue of subsection (2), and may in particular provide for the expenses to be treated as including—
 - (a) expenses incurred by ACAS in providing staff, accommodation, equipment and other facilities under section 254(5), or
 - (b) expenses in respect of which payments are made under section 255(1) or (2).
- (4) The regulations may provide for the Certification Officer to determine the amount of levy payable by a relevant organisation by reference to specified criteria, which may include—
 - (a) the number of members or the amount of income that the organisation has;
 - (b) whether the organisation is—
 - (i) a federated trade union,

Status: This is the original version (as it was originally enacted).

- (ii) a trade union that is not a federated trade union,
 - (iii) a federated employers' association, or
 - (iv) an employers' association that is not a federated employers' association;
- (c) the different proportions of the Officer's expenses that are referable to—
 - (i) functions in relation to federated trade unions,
 - (ii) functions in relation to trade unions that are not federated trade unions,
 - (iii) functions in relation to federated employers' associations, and
 - (iv) functions in relation to employers' associations that are not federated employers' associations.
- (5) The regulations may provide—
 - (a) for the levy not to be payable, or for a reduced amount to be payable, in specified cases or in cases determined by the Certification Officer in accordance with the regulations;
 - (b) for the intervals at which the levy is to be paid;
 - (c) for interest to be payable where a payment is not made by the required date;
 - (d) for an amount levied to be recoverable by the Certification Officer as a debt.
- (6) The regulations may contain such incidental, supplementary or transitional provisions as appear to the Secretary of State to be necessary or expedient.
- (7) In this section—
 - “federated employers' association” has the same meaning as in section 135;
 - “federated trade union” has the same meaning as in section 118;
 - “specified” means specified in the regulations.
- (8) Before making regulations under this section the Secretary of State must consult relevant organisations and ACAS.
- (9) No regulations under this section shall be made unless a draft of them has been laid before Parliament and approved by a resolution of each House of Parliament.
- (10) The Certification Officer shall pay into the Consolidated Fund amounts received by virtue of this section.”
- (2) In section 258 of that Act (annual reports and accounts), after subsection (1) insert—
 - “(1A) A report under this section shall include details of—
 - (a) amounts levied by the Certification Officer by virtue of section 257A in the year in question, and
 - (b) how the amounts were determined.”