

## STATUTORY INSTRUMENTS

# 1995 No. 1980

## The Trade Union and Labour Relations (Northern Ireland) Order 1995

### PART IV

#### RIGHTS IN RELATION TO TRADE UNION MEMBERSHIP

*<sup>F1</sup>Right not to suffer deduction of unauthorised union subscriptions*

**F1** 1999 NI 5

**F1** functions transf. by SR 1999/481

**Non-textual amendments applied to the whole Legislation  
can be found in the  
Introduction**

#### **Right not to suffer deduction of unauthorised subscriptions**

**35.—**(1) Where arrangements ( “subscription deduction arrangements”) exist between the employer of a worker and a trade union relating to the making from workers' wages of deductions representing payments to the union in respect of the workers' membership of the union ( “subscription deductions”), the employer shall ensure that no subscription deduction is made from wages payable to the worker on any day unless—

- (a) the worker has authorised in writing the making from his wages of subscription deductions; and
- (b) the worker has not withdrawn the authorisation.

(2) A worker withdraws an authorisation given for the purposes of paragraph (1), in relation to a subscription deduction which falls to be made from wages payable to him on any day, if a written notice withdrawing the authorisation has been received by the employer in time for it to be reasonably practicable for the employer to secure that no such deduction is made.

(3) A worker's authorisation of the making of subscription deductions from his wages shall not give rise to any obligation on the part of the employer to the worker to maintain or continue to maintain subscription deduction arrangements.

(4) In this Article and Article 36, “employer”, “wages” and “worker” have the same meanings as in the Employment Rights Order.

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**Changes to legislation:** *The Trade Union and Labour Relations (Northern Ireland) Order 1995, Cross Heading: Right not to suffer deduction of unauthorised union subscriptions is up to date with all changes known to be in force on or before 22 July 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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## Complaint of infringement of rights

**36.—(1)** A worker may present a complaint to an industrial tribunal that his employer has made a deduction from his wages in contravention of Article 35—

- (a) within the period of three months beginning with the date of the payment of the wages from which the deduction, or (if the complaint relates to more than one deduction) the last of the deductions, was made, or
- (b) where the tribunal is satisfied that it was not reasonably practicable for the complaint to be presented within that period, within such further period as the tribunal considers reasonable.

[<sup>F2</sup>(2) Where a tribunal finds that a complaint under this Article is well-founded, it shall make a declaration to that effect and shall order the employer to pay to the worker the whole amount of the deduction, less any such part of the amount as has already been paid to the worker by the employer.

(3) Where the making of a deduction from the wages of a worker both contravenes Article 35(1) and involves one or more of the contraventions specified in paragraph (4) of this Article, the aggregate amount which may be ordered by an industrial tribunal or court (whether on the same occasion or on different occasions) to be paid in respect of the contraventions shall not exceed the amount, or (where different amounts may be ordered to be paid in respect of different contraventions) the greatest amount, which may be ordered to be paid in respect of any one of them.

(4) The contraventions referred to in paragraph (3) are—

- [<sup>F3</sup>(a) a contravention of the requirement not to make a deduction without having given the particulars required by Article 40 (itemised pay statements) or 41(1) (standing statements of fixed deductions of the Employment Rights Order;
- (b) a contravention of Article 45 of that Order; and
- (c) a contravention of Article 60(1) or 64(1) of this Order (requirements not to make deductions of political fund contributions in certain circumstances).]]]

**F2** 1999 NI 5

**F3** 1996 NI 16

**Changes to legislation:**

The Trade Union and Labour Relations (Northern Ireland) Order 1995, Cross Heading: Right not to suffer deduction of unauthorised union subscriptions is up to date with all changes known to be in force on or before 22 July 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 1A para. 157(4) added by [2016 c. 15 \(N.I.\) Sch. 2 para. 10](#)
- art. 33(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 4](#)
- art. 36(1A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 5](#)
- art. 39(1) art. 39 renumbered as art. 39(1) by [2016 c. 15 \(N.I.\) Sch. 2 para. 6\(2\)](#)
- art. 39(2) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 6\(3\)](#)
- art. 44C(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 7](#)
- art. 61(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 8](#)
- art. 147A and cross-heading inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 9](#)