



# Trade Union and Labour Relations (Consolidation) Act 1992

## 1992 CHAPTER 52

### PART I

#### TRADE UNIONS

#### CHAPTER V

#### RIGHTS OF TRADE UNION MEMBERS

*[<sup>F1</sup>Right not to suffer deduction of unauthorised or excessive union subscriptions]*

#### Textual Amendments

**F1** Heading substituted (30.8.1993) by 1993 c. 19, s.15, **Sch. 9 para. 2**; S.I. 1993/1908, art. 2(1), **Sch.1**

#### **[<sup>F2</sup>68 Right not to suffer deduction of unauthorised subscriptions**

- (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  - (b) the worker has not withdrawn the authorisation.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 subsection (1), in relation to a subscription deduction which falls to be made from wages payable to him

**Changes to legislation:** Trade Union and Labour Relations (Consolidation) Act 1992, Cross Heading: Right not to suffer deduction of unauthorised or excessive union subscriptions is up to date with all changes known to be in force on or before 03 June 2024. 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

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 section and section 68A, "employer", "wages" and "worker" have the same meanings as in the Employment Rights Act 1996.]

#### Textual Amendments

**F2** S. 68 substituted (23.6.1998) by S.I. 1998/1529, arts. 2(2), 3

#### [<sup>F3</sup>68A Complaint of infringement of rights.

- (1) A worker may present a complaint to an [<sup>F4</sup>employment tribunal] that his employer has made a deduction from his wages in contravention of section 68—
- (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.

[ Section 292A (extension of time limits to facilitate conciliation before institution of <sup>F5</sup>(1A) proceedings) applies for the purposes of subsection (1)(a).]

[ Where a tribunal finds that a complaint under this section is well founded, it shall <sup>F6</sup>(2) 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 section 68(1) and involves one or more of the contraventions specified in subsection (4) of this section, the aggregate amount which may be ordered by an [<sup>F4</sup>employment 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 subsection (3) are—
- (a) a contravention of the requirement not to make a deduction without having given the particulars required by section 8 (itemised pay statements) or 9(1) (standing statements of fixed deductions) of [<sup>F7</sup>the Employment Rights Act 1996],
  - (b) a contravention of [<sup>F8</sup>section 13 of that Act] (requirement not to make unauthorised deductions), and
  - (c) a contravention of section 86(1) or 90(1) of this Act (requirements not to make deductions of political fund contributions in certain circumstances).]

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### Textual Amendments

- F3** Ss. 68, 68A substituted (30.8.1993) for s. 68 by 1993 c. 19, s. 15, **Sch. 9 para. 2**; S.I. 1993/1908, art. 2(1), **Sch. 1**
- F4** Words in s. 68A(1)(3) substituted (1.8.1998) by 1998 c. 8, **s. 1(2)(a)** (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**
- F5** S. 68A(1A) inserted (6.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 2 para. 3**; S.I. 2014/253, art. 3(g)
- F6** S. 68A(2) substituted (23.6.1998) by S.I. 1998/1529, **arts. 2(2)**, 3
- F7** Words in s. 68A(4)(a) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 56(4)(a)** (with ss. 191-195, 202)
- F8** Words in s. 68A(4)(b) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 56(4)(b)** (with ss. 191-195, 202)

**Changes to legislation:**

Trade Union and Labour Relations (Consolidation) Act 1992, Cross Heading: Right not to suffer deduction of unauthorised or excessive union subscriptions is up to date with all changes known to be in force on or before 03 June 2024. 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 Act associated Parts and Chapters:**

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

- s. 212A(1)(zb) inserted by [2023 c. 46 Sch. para. 1](#)