Trade Union and Labour Relations (Consolidation) Act 1992

1992 CHAPTER 52

PART I

TRADE UNIONS

CHAPTER III

TRADE UNION ADMINISTRATION

Annual return, accounts and audit

35 Appointment and removal of auditors.

(1) The rules of every trade union shall contain provision for the appointment and removal of auditors.

But the following provisions have effect notwithstanding anything in the rules.

(2) An auditor of a trade union shall not be removed from office except by resolution passed at a general meeting of its members or of delegates of its members.

(3) An auditor duly appointed to audit the accounts of a trade union shall be re-appointed as auditor for the following accounting period, unless—

(a) a resolution has been passed at a general meeting of the trade union appointing somebody instead of him or providing expressly that he shall not be re-appointed, or

(b) he has given notice to the trade union in writing of his unwillingness to be re-appointed, or

(c) he is ineligible for re-appointment, or

(d) he has ceased to act as auditor by reason of incapacity.

Changes to legislation: *Trade Union and Labour Relations (Consolidation) Act 1992, Section 35 is up to date with all changes known to be in force on or before 14 September 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*

(4) Where notice has been given of an intended resolution to appoint somebody in place of a retiring auditor but the resolution cannot be proceeded with at the meeting because of the death or incapacity of that person, or because he is ineligible for the appointment, the retiring auditor need not automatically be re-appointed.

(5) The references above to a person being ineligible for appointment as auditor of a trade union are to his not being qualified for the appointment in accordance with **[**[F1]subsections (1) to (4)**]** of section 34 or being precluded by **[**[F1]subsection (5)**]** of that section from acting as its auditor.

(6) The Secretary of State may make provision by regulations as to the procedure to be followed when it is intended to move a resolution—

(a) appointing another auditor in place of a retiring auditor, or

(b) providing expressly that a retiring auditor shall not be re-appointed,

and as to the rights of auditors and members of the trade union in relation to such a motion.

Any such regulations shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) Where regulations under subsection (6)—

(a) require copies of any representations made by a retiring auditor to be sent out, or

(b) require any such representations to be read out at a meeting,

the court, on the application of the trade union or of any other person, may dispense with the requirement if satisfied that the rights conferred on the retiring auditor by the regulations are being abused to secure needless publicity for defamatory matter.

(8) On such an application the court may order the costs or expenses of the trade union to be paid, in whole or in part, by the retiring auditor, whether he is a party to the application or not.

Textual Amendments

F1 Words in s. 35(5) substituted (30.8.1993) by 1993 c. 19, s. 49(1), **Sch. 7 para. 19(a)(b)**; S.I. 1993/1908 art. 2(1), Sch.1

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View outstanding changes

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