Trade Union and Labour Relations (Consolidation) Act 1992

1992 CHAPTER 52

PART I

TRADE UNIONS

CHAPTER VI

APPLICATION OF FUNDS FOR POLITICAL OBJECTS

Political resolution

78 Scrutineer's report.

(1) The scrutineer's report on the ballot shall state—

(a) the number of voting papers distributed for the purposes of the ballot,

(b) the number of voting papers returned to the scrutineer,

(c) the number of valid votes cast in the ballot for and against the resolution, [F1]. . .

(d) the number of spoiled or otherwise invalid voting papers returned **[**[F2]and.

(e) the name of the person (or of each of the persons) appointed under section 77A or, if no person was so appointed, that fact.**]**

(2) The report shall also state whether the scrutineer is satisfied—

(a) that there are no reasonable grounds for believing that there was any contravention of a requirement imposed by or under any enactment in relation to the ballot,

(b) that the arrangements made **[**[F3](whether by him or any other person)**]** with respect to the production, storage, distribution, return or other handling of the voting papers used in the ballot, and the arrangements for the counting of the votes, included all such security arrangements as were reasonably practicable

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for the purpose of minimising the risk that any unfairness or malpractice might occur, and

(c) that he has been able to carry out his functions without such interference as would make it reasonable for any person to call his independence in relation to the union into question;

and if he is not satisfied as to any of those matters, the report shall give particulars of his reasons for not being satisfied as to that matter.

F4**[**(2A) The report shall also state—

(a) whether the scrutineer—

(i) has inspected the register of names and addresses of the members of the trade union, or

(ii) has examined the copy of the register as at the relevant date which is supplied to him in accordance with section 75(5A)(a),

(b) if he has, whether in the case of each inspection or examination he was acting on a request by a member of the trade union or at his own instance,

(c) whether he declined to act on any such request, and

(d) whether any inspection of the register, or any examination of the copy of the register, has revealed any matter which he considers should be drawn to the attention of the trade union in order to assist it in securing that the register is accurate and up-to-date,

but shall not state the name of any member who has requested such an inspection or examination.

(2B) Where one or more persons other than the scrutineer are appointed under section 77A, the statement included in the scrutineer's report in accordance with subsection (2)(b) shall also indicate—

(a) whether he is satisfied with the performance of the person, or each of the persons, so appointed, and

(b) if he is not satisfied with the performance of the person, or any of them, particulars of his reasons for not being so satisfied.**]**

(3) The trade union shall not publish the result of the ballot until it has received the scrutineer's report.

(4) The trade union shall within the period of three months after it receives the report—

(a) send a copy of the report to every member of the union to whom it is reasonably practicable to send such a copy; or

(b) take all such other steps for notifying the contents of the report to the members of the union (whether by publishing the report or otherwise) as it is the practice of the union to take when matters of general interest to all its members need to be brought to their attention.

(5) Any such copy or notification shall be accompanied by a statement that the union will, on request, supply any member of the union with a copy of the report, either free of charge or on payment of such reasonable fee as may be specified in the notification.

(6) The trade union shall so supply any member of the union who makes such a request and pays the fee (if any) notified to him.

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Textual Amendments

F1 Word in s. 78(1)(c) repealed (30.8.1993) by 1993 c. 19, s. 51, **Sch.10**; S.I. 1993/1908, art. 2(1), **Sch. 1**

F2 S.78(1)(e) and word preceeding it inserted (30.8.1993) by 1993 c. 19, s. 3, **Sch. 1 para. 4(a)**; S.I. 1993/1908, art. 2(1), **Sch.1**

F3 Words in s. 78(2)(b) inserted (30.8.1993) by 1993 c. 19, s. 3, **Sch. 1 para. 4(b)**; S.I. 1993/1908, art. 2(1), **Sch. 1**

F4 S. 78(2A)(2B) inserted (30.8.1993) by 1993 c. 19, s. 3, **Sch. 1 para. 4(c)**; S.I. 1993/1908, art. 2(1), **Sch.1**

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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