Trade Union Reform and Employment Rights Act 1993

1993 CHAPTER 19

PART I

TRADE UNIONS ETC.

Union elections and ballots

6 Confidentiality of trade union's register of members' names and addresses.

After section 24 of the 1992 Act there shall be inserted—

"**24A Securing confidentiality of register during ballots.**

(1) This section applies in relation to a ballot of the members of a trade union on—
- (a) an election under Chapter IV for a position to which that Chapter applies,
- (b) a political resolution under Chapter VI, and
- (c) a resolution to approve an instrument of amalgamation or transfer under Chapter VII.

(2) Where this section applies in relation to a ballot the trade union shall impose the duty of confidentiality in relation to the register of members' names and addresses on the scrutineer appointed by the union for the purposes of the ballot and on any person appointed by the union as the independent person for the purposes of the ballot.

(3) The duty of confidentiality in relation to the register of members' names and addresses is, when imposed on a scrutineer or on an independent person, a duty—
- (a) not to disclose any name or address in the register except in permitted circumstances; and

(b) to take all reasonable steps to secure that there is no disclosure of any such name or address by any other person except in permitted circumstances;

and any reference in this Act to "the duty of confidentiality" is a reference to the duty prescribed in this subsection.

(4) The circumstances in which disclosure of a member's name and address is permitted are—

(a) where the member consents;

(b) where it is requested by the Certification Officer for the purposes of the discharge of any of his functions or it is required for the purposes of the discharge of any of the functions of an inspector appointed by him;

(c) where it is required for the purposes of the discharge of any of the functions of the scrutineer or independent person, as the case may be, under the terms of his appointment;

(d) where it is required for the purposes of the investigation of crime or of criminal proceedings.

(5) Any provision of this Part which incorporates the duty of confidentiality as respects the register into the appointment of a scrutineer or an independent person has the effect of imposing that duty on the scrutineer or independent person as a duty owed by him to the trade union.

(6) The remedy for failure to comply with the requirements of this section is by way of application under section 25 (to the Certification Officer) or section 26 (to the court).

The making of an application to the Certification Officer does not prevent the applicant, or any other person, from making an application to the court in respect of the same matter.".

Modifications etc. (not altering text)

C1 S. 6 restricted (27.7.1993) by S.I. 1993/1908, **art. 3(4)**.

Changes to legislation:
There are currently no known outstanding effects for the Trade Union Reform and Employment Rights Act 1993, Section 6.