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**Changes to legislation:** There are currently no known outstanding effects for the Trade Union Act 2016, Cross Heading: Elections for certain positions. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 2

#### CERTIFICATION OFFICER: EXERCISE OF POWERS WITHOUT APPLICATION ETC

##### *Elections for certain positions*

- 2 (1) Section 54 of the 1992 Act (remedy for failure to comply with requirements: general) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) A person alleging a failure on the part of a trade union to comply with any of the requirements of this Chapter may apply for—
- (a) a declaration under section 55 (by the Certification Officer), or
  - (b) a declaration under section 56 (by the court);
- but the Certification Officer may also exercise the powers under section 55 where no application is made.”
- (3) In subsection (2), for the words before paragraph (a) substitute “ An application for a declaration under section 55 or 56 may be made only— ”.

#### **Commencement Information**

**II** Sch. 2 para. 2 in force at 1.4.2022 by S.I. 2021/1373, reg. 4(b) (with reg. 8)

- 3 (1) Section 55 of the 1992 Act (application to Certification Officer) is amended as follows.
- (2) In the heading, for “Application to” substitute “ Powers of ”.
- (3) For subsections (1) and (2) substitute—
- “(1) Where the Certification Officer is satisfied that a trade union has failed to comply with any of the requirements of this Chapter, either—
- (a) on an application by a person having a sufficient interest (see section 54(2)), or
  - (b) without any such application having been made,
- the Officer may make a declaration to that effect.
- (2) Before deciding the matter the Certification Officer—
- (a) may make such enquiries as the Officer thinks fit,
  - (b) must give the union and the applicant (if any) an opportunity to make written representations, and
  - (c) may give the union and the applicant (if any) an opportunity to make oral representations.”

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- (4) In subsection (5C), for “the application on which the order was made” substitute “an application under this section”.
- (5) In subsection (7) omit “of the application”.

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**Commencement Information**

**I2** Sch. 2 para. 3 in force at 1.4.2022 by S.I. 2021/1373, reg. 4(b) (with reg. 9)

**Changes to legislation:**

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