Trade Union Act 2016

2016 CHAPTER 15

Application of funds for political objects

11 Opting in by union members to contribute to political funds

(1) For section 84 of the 1992 Act substitute—

"**84 Contributions to political fund from members of the union**

(1) It is unlawful to require a member of a trade union to make a contribution to the political fund of a trade union if—
   (a) the member has not given to the union notice of the member's willingness to contribute to that fund (an "opt-in notice"); or
   (b) an opt-in notice given by the member has been withdrawn in accordance with subsection (2).

(2) A member of a trade union who has given an opt-in notice may withdraw that notice by giving notice to the union (a "withdrawal notice").

(3) A withdrawal notice takes effect at the end of the period of one month beginning with the day on which it is given.

(4) A member of a trade union may give an opt-in notice or a withdrawal notice—
   (a) by delivering it (either personally or by an authorised agent or by post) at the head office or a branch office of the union;
   (b) by sending it by e-mail to an address that the union has told its members can be used for sending such notices;
   (c) by completing an electronic form provided by the union which sets out the notice, and sending it to the union by electronic means in accordance with instructions given by the union; or
   (d) by such other electronic means as may be prescribed.

(5) In this Act "contributor", in relation to the political fund of a trade union, means a member who has given to the union an opt-in notice that has not been withdrawn."

Changes to legislation: *There are currently no known outstanding effects for the Trade Union Act 2016, Section 11. (See end of Document for details)*

(2) After that section insert—

"**84A Information to members about contributing to political fund**

(1) A trade union shall take all reasonable steps to secure that, not later than the end of the period of eight weeks beginning with the day on which the annual return of the union is sent to the Certification Officer, all the members of the union are notified of their right to give a withdrawal notice under section 84(2).

(2) The notification may be given —

(a) by sending individual copies of it to members; or

(b) by any other means (whether by including the notification in a publication of the union or otherwise) which it is the practice of the union to use when information of general interest to all its members needs to be provided to them;

and, in particular, the notification may be included with the statement required to be given by section 32A.

(3) A trade union shall send to the Certification Officer a copy of the notification which is provided to its members in pursuance of this section as soon as is reasonably practicable after it is so provided.

(4) Where the same form of notification is not provided to all the members of a trade union, the union shall send to the Certification Officer in accordance with subsection (3) a copy of each form of notification provided to any of them.

(5) Where the Certification Officer is satisfied that a trade union has failed to comply with a requirement of this section, the Officer may make such order for remedying the failure as he thinks just under the circumstances.

(6) Before deciding the matter the Certification Officer—

(a) may make such enquiries as the Officer thinks fit;

(b) must give the union, and any member of the union who made a complaint to the Officer regarding the matter, an opportunity to make written representations; and

(c) may give the union, and any such member as is mentioned in paragraph (b), an opportunity to make oral representations."

(3) For section 85 of the 1992 Act substitute—

"**85 Manner of giving effect to section 84**

(1) A union that has a political fund must either—

(a) make a separate levy of contributions to that fund from the members who are contributors, or

(b) relieve members who are not contributors from the payment of the appropriate portion of any periodical contribution required from members towards the expenses of the union.

(2) In the latter case, the rules shall provide—

(a) that relief shall be given as far as possible to all members who are not contributors on the occasion of the same periodical payment, and

(b) for enabling each member of the union to know what portion (if any) of any periodical contribution payable by the member is a contribution to the political fund."

(4) In section 82 of the 1992 Act (rules as to political fund), in subsection (1), for the word "and" at the end of paragraph (c) substitute—

"(ca) that, if the union has a political fund, any form (including an electronic form) that a person has to complete in order to become a member of the union shall include—

(i) a statement to the effect that the person may opt to be a contributor to the fund, and

(ii) a statement setting out the effect of paragraph (c); and".

(5) The amendments made by subsections (1) to (4) apply only after the end of the transition period, and only to a person—

(a) who after the end of that period joins a trade union that has a political fund, or

(b) who is a member of a trade union that has a political fund but did not have one immediately before the end of that period.

(6) In subsection (5) "the transition period" means a period of not less than 12 months, starting on the day on which this section comes into force, specified by the Secretary of State in regulations made by statutory instrument.

(7) Before making regulations under subsection (6) the Secretary of State must consult—

(a) the Certification Officer, and

(b) all trade unions that have a political fund.

(8) A statutory instrument containing regulations under subsection (6) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

Commencement Information

I1 S. 11 in force at 5.12.2016 for specified purposes by S.I. 2016/1170, **reg. 2(b)**

I2 S. 11 in force at 1.3.2017 in so far as not already in force by S.I. 2017/139, **reg. 2(i)**

Changes to legislation:
There are currently no known outstanding effects for the Trade Union Act 2016, Section 11.