



Trade Union Act 2016

2016 CHAPTER 15

Facility time and check-off

15 Restriction on deduction of union subscriptions from wages in public sector

(1) After section 116A of the 1992 Act insert—

“Deduction of trade union subscriptions from wages

116B Restriction on deduction of union subscriptions from wages in public sector

- (1) A relevant public sector employer may make deductions from its workers’ wages in respect of trade union subscriptions only if—
 - (a) those workers have the option to pay their trade union subscriptions by other means, and
 - (b) arrangements have been made for the union to make reasonable payments to the employer in respect of the making of the deductions.
- (2) Payments are “reasonable” for the purposes of subsection (1) if the employer is satisfied that the total amount of the payments is substantially equivalent to the total cost to public funds of making the deductions.
- (3) An employer is a relevant public sector employer if the employer is a public authority specified, or of a description specified, in regulations made by a Minister of the Crown.
- (4) A Minister of the Crown may by regulations provide, in relation to a body or other person that is not a public authority but has functions of a public nature and is funded wholly or mainly from public funds, that the body or other person is to be treated as a public authority for the purposes of this section.
- (5) Regulations under this section may make provision specifying the person or other entity that is to be treated for the purposes of this section as the employer of a person who is employed by the Crown.

Status: This is the original version (as it was originally enacted).

- (6) The regulations may—
- (a) deem a category of persons holding an office or employment under the Crown (or two or more such categories taken together) to be an entity for the purposes of provision made under subsection (5);
 - (b) make different provision under subsection (5) for different categories of persons holding an office or employment under the Crown.
- (7) Regulations under this section may—
- (a) make different provision for different purposes;
 - (b) make transitional provision in connection with the coming into force of any provision of the regulations;
 - (c) make consequential provision amending or otherwise modifying contracts of employment or collective agreements.
- (8) Regulations under this section are to be made by statutory instrument.
- (9) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (10) In this section—
- “trade union subscriptions” means payments to a trade union in respect of a worker’s membership of the union;
 - “wages” has the same meaning as in Part 2 of the Employment Rights Act 1996 (see section 27);
 - “worker” has the same meaning as in that Act.”
- (2) In section 296 of that Act (meaning of “worker” and related expressions), in subsection (3), after “68(4),” insert “116B(10),”.