

1975 No. 536

TRADE UNIONS

**The Trade Unions and Employers' Associations
(Amalgamations, etc.) Regulations 1975**

<i>Made - - - -</i>	<i>26th March 1975</i>
<i>Laid before Parliament</i>	<i>10th April 1975</i>
<i>Coming into Operation</i>	<i>12th May 1975</i>

The Secretary of State, in exercise of the powers conferred on him by section 7 of the Trade Union (Amalgamations, etc.) Act 1964(a) and of all other powers enabling him in that behalf, and as respects Regulation 11 with the approval of the Treasury, hereby makes the following Regulations:—

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Trade Unions and Employers' Associations (Amalgamations, etc.) Regulations 1975 and shall come into operation on 12th May 1975.

(2) The Employers' and Workers' Organisations (Amalgamations, etc.) Regulations 1971(b) shall cease to have effect.

Interpretation

2.—(1) The Interpretation Act 1889(c) shall apply to these Regulations as it applies to an Act of Parliament.

(2) For the purposes of these Regulations, unless the context otherwise requires, the following expressions shall have the meanings hereby assigned to them respectively, that is to say—

“the 1964 Act” means the Trade Union (Amalgamations, etc.) Act 1964;

“the 1974 Act” means the Trade Union and Labour Relations Act 1974(d);

“the Registrar” has the meaning assigned to it by section 9(1) of the 1964 Act;

“duly authenticated” means bearing the signature of the Registrar and the date of the signature;

“organisation” means any trade union as defined in section 28(1) of the 1974 Act, or any employers' association as defined in section 28(2) of the 1974 Act which is not a corporate body;

“Northern Ireland union” has the meaning assigned to it by section 10(5) of the 1964 Act.

(a) 1964 c. 24.
(c) 1889 c. 63.

(b) S.I. 1971/1542 (1971 III, p. 4352).
(d) 1974 c. 52.

Approval of proposed instruments and notices

3.—(1) An application pursuant to section 1(4) of the 1964 Act for approval of a proposed instrument of amalgamation or transfer shall be submitted to the Registrar—

- (a) in the case of a proposed instrument of amalgamation, by one of the amalgamating organisations; and
- (b) in the case of a proposed instrument of transfer, by the transferor organisation, and

the application shall be accompanied by two copies of the proposed instrument both of which shall be signed as required by paragraph 6 of Schedule 1 or, as the case may be, paragraph 4 of Schedule 2 to these Regulations, and by copies of the current rules of the organisations which are parties to the instrument.

(2) An application pursuant to section 1(4) of the 1964 Act for approval of a proposed notice to be supplied to members of an organisation in accordance with section 1(2)(d) of that Act shall be accompanied by two copies of the proposed notice.

(3) The Registrar shall signify his approval of such instrument or notice by returning to the applicant organisation one of the copies endorsed with the word “Approved” and duly authenticated.

Contents of instrument of amalgamation or transfer

4.—(1) Subject to Regulation 5 an instrument of amalgamation shall contain the particulars and information specified in Schedule 1 to these Regulations.

(2) Subject to Regulation 5 an instrument of transfer shall contain the particulars and information specified in Schedule 2 to these Regulations.

5. Regulation 4 shall not apply to any instrument of amalgamation or instrument of transfer which, before the coming into operation of these Regulations, has been approved by the Chief Registrar of Trade Unions and Employers' Associations or by any assistant registrar appointed by him for the purpose of section 8 of the 1964 Act.

Application for registration of instruments

6.—(1) An application pursuant to section 1(5) of the 1964 Act for registration of an instrument of amalgamation shall be signed by three members of the committee of management or other governing body and the secretary of each of the amalgamating organisations and shall be submitted to the Registrar in the form to be provided by him for that purpose. The application shall be accompanied by two copies of the instrument and two copies of the proposed rules of the amalgamated organisation and by a statutory declaration from each of the amalgamating organisations in the form to be provided by the Registrar for that purpose. Each copy of the proposed rules shall be signed by the secretary of each of the amalgamating organisations.

(2) An application pursuant to section 1(5) of the 1964 Act for registration of an instrument of transfer shall be signed by three members of the committee of management or other governing body and the secretary of each of the organisations concerned and shall be submitted to the Registrar by the transferee organisation in the form to be provided by him for that purpose. The application shall be accompanied by two copies of the instrument and by statutory declarations made by the secretary of the transferor organisation and the secretary of the transferee organisation in the forms to be provided by the Registrar for that

purpose. The application shall also be accompanied by two copies of any amendments to the rules of the transferee organisation made since the date of the application for approval of the proposed instrument of transfer under Regulation 3(1).

(3) In any case where he considers it desirable with a view to ensuring that adequate publicity is given to the date by which complaints must be made to him, under section 4 of the 1964 Act, as to the validity of a resolution approving an instrument of amalgamation or transfer, the Registrar may, not later than seven days after the date on which he receives the application for registration of the instrument, require notice to be given or published in such manner, in such form, and on or before such date, as he may direct of the fact that the application for registration has been or is to be made to him.

Registration of instruments

7.—(1) Before registering an instrument of amalgamation, the Registrar shall satisfy himself that the proposed rules of the amalgamated organisation are in no way inconsistent with the terms of the said instrument.

(2) Upon registering the instrument the Registrar shall send to the address specified for that purpose on the form of application for registration one copy of the instrument endorsed with the word “Registered” and duly authenticated.

8.—(1) Before registering an instrument of transfer the Registrar shall satisfy himself that the rules of the transferee organisation are in no way inconsistent with the terms of the said instrument.

(2) Upon registering the instrument the Registrar shall send to the transferee organisation one copy of the instrument endorsed with the word “Registered” and duly authenticated.

Approval of change of name

9.—(1) An application by an organisation pursuant to section 6(2) of the 1964 Act for the approval of a change of name shall be signed by three members of the committee of management or other governing body and the secretary of the organisation and shall be submitted to the Registrar in duplicate in the form to be provided by him for that purpose.

(2) The application shall be accompanied by a statutory declaration as to the manner in which the change of name was effected by the secretary of the organisation in the form to be provided by the Registrar for the purpose.

(3) Upon approving the change of name the Registrar shall return to the organisation one copy of the application endorsed with the word “Approved” and duly authenticated.

Amalgamations or transfers involving Northern Ireland unions

10. Where a Northern Ireland union is a party to an amalgamation or transfer of engagements, these Regulations shall have effect subject to the following modifications, that is to say:—

- (a) Regulations 3 and 6(3) shall not apply to a Northern Ireland union;
- (b) Regulation 4(2) shall not apply to an instrument of transfer if the transferor organisation is a Northern Ireland union;
- (c) Regulation 6 shall not require any statutory declaration from a Northern Ireland union;

- (d) The application to the Registrar under Regulation 6(2) for the registration of an instrument of transfer shall be submitted by the transferor organisation if the transferee organisation is a Northern Ireland union.

Fees

- 11.** The following fees shall be payable in advance—

For registration of an instrument of amalgamation or transfer	£15
For approval of a change of name	£2.50
For every inspection on the same day of documents kept by the Registrar under the 1964 Act relating to one and the same organisation	12p

- 12.** A fee of 25p shall be payable for the entry of an amalgamated organisation on the relevant list where each of the amalgamating organisations is already entered on the list .

Signed by order of the Secretary of State.

25th March 1975.

Albert Booth,
Minister of State,
Department of Employment.

We approve Regulation 11.

M. Cocks,
Donald R. Coleman,
Two of the Lords Commissioners of
Her Majesty's Treasury.

26th March 1975

Regulation 4(1)

SCHEDULE 1

CONTENTS OF INSTRUMENT OF AMALGAMATION

1. The instrument shall state that it is an instrument of amalgamation between the organisations named therein as the amalgamating organisations, and that upon the coming into operation of the instrument the members of the amalgamating organisations will become members of the amalgamated organisation and be subject to that organisation's rules.

2. The instrument shall either set out the proposed rules of the amalgamated organisation or state who are the persons authorised to draw up those rules.

3. If the instrument does not set out the proposed rules it shall contain a summary of what those rules will provide with regard to the following matters:—

- (i) the name and principal purposes of the amalgamated organisation;
- (ii) the conditions of admission to membership;
- (iii) the structure of the amalgamated organisation;
- (iv) the method of appointing and removing its governing body and principal officials and of altering its rules;
- (v) the contributions and benefits applicable to members of the amalgamating organisations.

4. The instrument shall specify any property held for the benefit of any of the amalgamating organisations or for the benefit of a branch of any of those organisations which is not to be vested in the appropriate trustees as defined in section 5(3) of the 1964 Act, and shall state the proposed disposition of any such property.

5. Without prejudice to section 1(5) of the 1964 Act, the instrument shall state the date on which it is to take effect.

6. The instrument shall be signed by three members of the committee of management or other governing body and the secretary of each of the amalgamating organisations.

Regulation 4(2)

SCHEDULE 2

CONTENTS OF INSTRUMENT OF TRANSFER

1. The instrument shall state that it is an instrument of transfer of the engagements of the organisation named therein as the transferor organisation to the organisation named therein as the transferee organisation, and that upon the coming into operation of the instrument the members of the transferor organisation will become members of the transferee organisation and be subject to that organisation's rules.

2. The instrument shall:—

- (i) state what contributions and benefits will be applicable to members of the transferor organisation under the transferee organisation's rules;
- (ii) if members of the transferor organisation are to be allocated to a branch or section or to branches or sections of the transferee organisation, give particulars of such allocation or the method by which it is to be decided;
- (iii) state whether before registration of the instrument the transferee organisation's rules are to be altered in their application to members of the transferor organisation and, if so, the effect of any alterations;
- (iv) without prejudice to section 1(5) of the 1964 Act, state the date on which the instrument is to take effect.

3. The instrument shall specify any property held for the benefit of the transferor organisation or for the benefit of a branch of the transferor organisation which is not to be vested in the appropriate trustees as defined in section 5(3) of the 1964 Act, and shall state the proposed disposition of any such property.

4. The instrument shall be signed by three members of the committee of management or other governing body and the secretary of each of the organisations.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which come into force on 12th May 1975, make provision as to the manner in which trade unions and unincorporated employers' associations are required to obtain the Registrar's approval to proposed instruments of amalgamation or transfer and proposed notices to members in connection therewith; as to the content and registration of such instruments; and as to the approval of changes of name.

The Regulations also prescribe the fees payable for the registration of instruments of amalgamation or transfer, for the approval of changes of name, and for inspection of documents.

The Employers' and Workers' Organisations (Amalgamations, etc.) Regulations 1971 (S.I. 1971/1542) are revoked.

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