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STATUTORY INSTRUMENTS

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**1988 No. 2116**

**TRADE UNIONS**

**The Funds for Trade Union Ballots  
(Amendment No. 2) Regulations 1988**

<i>Made</i>	- - - -	<i>5th December 1988</i>
<i>Laid before Parliament</i>		<i>14th December 1988</i>
<i>Coming into force</i>	- -	<i>1st February 1989</i>

The Secretary of State, in exercise of the powers conferred on him by section 1 of the Employment Act 1980(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Funds for Trade Union Ballots (Amendment No. 2) Regulations 1988 and shall come into force on 1st February 1989.

**Interpretation**

2. In these Regulations “the 1984 Regulations” means the Funds for Trade Union Ballots Regulations 1984(2).

**Application**

3.—(1) Subject to paragraph (2), below, the amendments made to the 1984 Regulations by regulations 4 to 7 of these Regulations shall apply to a ballot if, but only if, the last day for casting votes in that ballot falls on or after 1st February 1989.

(2) The amendments made by regulations 5 to 7, below, shall not apply to a ballot containing a question the purpose of which falls within regulation 5(b)(i) of the 1984 Regulations if the latest time at which a person might have become a candidate in the election in question fell before 1st February 1989.

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(1) 1980 c. 42; section 1 was amended by section 20 of the Trade Union Act 1984 (c. 49); the Secretary of State specified a purpose additional to the purposes referred to in section 1(2) by the Funds for Trade Union Ballots Order 1982 (S.I. 1982/953).  
(2) S.I. 1984/1654; these Regulations were amended by the Funds for Trade Union Ballots (Amendment) Regulations 1988 (S.I. 1988/1123).

#### **Amendment of the 1984 Regulations**

4. In regulation 3 of the 1984 Regulations (interpretation), after the definition of “the Scheme” there shall be inserted—

““the scrutineer” means the person appointed by a trade union in relation to the ballot in question in accordance with section 15(2) of the 1988 Act;”.

5.—(1) In regulation 8 of the 1984 Regulations, after paragraph (1A) there shall be inserted—

“(1B) Notwithstanding anything in paragraph (1), above, no application shall be made in respect of a ballot containing a question the purpose of which falls within paragraphs (b) (i) or (e) of regulation 5, above, before the date on which the trade union publishes the result of the ballot in accordance with subsection (7) of section 15 of the 1988 Act.”.

(2) In regulation 8 of the 1984 Regulations, after regulation (2) there shall be inserted—

“(2A) Every application under paragraph (1) in respect of such a ballot as is mentioned in paragraph (1B), above, shall be accompanied by a copy of such report with respect to the ballot as is mentioned in subsection (5) of section 15 of the 1988 Act.”.

6. In regulation 12 of the 1984 Regulations, after paragraph (ea) there shall be inserted—

“(eb) in the case of a question the purpose of which falls within paragraphs (b)(i) or (e) of regulation 5, above, that the requirements of subsection (2) of section 15 of the 1988 Act have been satisfied in relation to that ballot;

(ec) in the case of a question the purpose of which falls within paragraphs (b)(i) or (e) of regulation 5, above, that each voting paper—

(i) clearly specified the address to which, and the date by which, the voting paper was to be returned;

(ii) was given one of a series of consecutive whole numbers every one of which was used in giving a different number in that series to each voting paper printed or otherwise produced for the purposes of the ballot; and

(iii) was marked with its number;”.

7. In regulation 19 of the 1984 Regulations, after paragraph (c) there shall be inserted—

“(ca) in the case of a ballot containing a question the purpose of which falls within paragraphs (b)(i) or (e) of regulation 5, above, with respect to which ballot the report mentioned in paragraph (2A) of regulation 8, above, indicates that the scrutineer was not satisfied as to one or more of the matters specified in subsection (6) of section 15 of the 1988 Act, the last date on which an application under section 5 of the 1984 Act, or, as the case may be, section 16 of the 1988 Act, could be made in respect of the ballot;”.

Signed by order of the Secretary of State.

5th December 1988

*John Cope*  
Minister of State,  
Department of Employment

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the scheme under which the Certification Officer makes payments to independent trade unions in respect of postal, printing and stationery expenses which they have incurred in holding secret postal ballots for certain purposes.

The scheme was last amended by the Funds for Trade Union Ballots (Amendment) Regulations 1988 (S.I.1988/1123). The amendments made by these Regulations are made largely to reflect in the scheme new statutory requirements for independent scrutiny and for numbering of ballot papers in respect of certain ballots brought in by the Employment Act 1988 (c. 19) and coming into force on 1st February 1989.

These Regulations come into force on 1st February 1989 and the amendments they contain apply to a ballot if the last date for the casting of votes in the ballot fell on or after that date unless, in the case of an election ballot in respect of which section 2 of the Trade Union Act 1984 was required to be satisfied, the latest time at which a person could have become a candidate in the election fell before that date.