

1990 No. 2379

TRADE UNIONS

**The Funds for Trade Union Ballots (Amendment)
Regulations 1990**

<i>Made - - - -</i>	<i>27th November 1990</i>
<i>Laid before Parliament</i>	<i>10th December 1990</i>
<i>Coming into force</i>	<i>1st January 1991</i>

The Secretary of State, in exercise of the powers conferred on him by section 1 of the Employment Act 1980(a) 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) Regulations 1990 and shall come into force on 1st January 1991.

Interpretation

2. In these Regulations—

“the 1984 Act” means the Trade Union Act 1984(b);

“the 1984 Regulations” means the Funds for Trade Union Ballots Regulations 1984(c).

Definitions

3.—(1) In regulation 3 of the 1984 Regulations (interpretation)—

(a) the definition of “contract of employment” shall be omitted;

(b) the words ““overseas member”” and “and “working hours”” shall be omitted, and after the word ““section”” there shall be inserted “and”;

(c) there shall be inserted after the definition of “the date of the ballot”—

““overseas member” has the meaning given in section 9(1) of the 1984 Act, as read (in the case only of a ballot which includes a question the purpose of which falls within paragraph (a) of regulation 5 below) with section 5(2) and (3) of the Employment Act 1990(d);”; and

(d) there shall be inserted after the definition of “strike”—

““working hours” has the meaning given by section 11(11) of the 1984 Act, as read (in the case only of a ballot which includes a question the purpose of which falls within paragraph (a) of regulation 5 below) with section 5(1) of the Employment Act 1990;”.

(2) In each of the definitions inserted by sub-paragraphs (c) and (d) above, the words from “as read” to the end shall not apply in relation to a ballot if the first day on which votes may be cast in the ballot falls before 1st January 1991.

(a) 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 set out in section 1(3) by the Funds for Trade Union Ballots Order 1982 (S.I. 1982/953).

(b) 1984 c.49.

(c) S.I. 1984/1654, amended by S.I. 1988/1123, 2116.

(d) 1990 c.38.

Additional condition relating to industrial action ballots

4.—(1) In regulation 12(b) of the 1984 Regulations(a) (condition applying to a ballot concerned with industrial action), in the reference to provisions in section 11 of the 1984 Act after the words “(3), (4)” there shall be inserted “, (4A)”(b).

(2) This regulation shall not apply in relation to a ballot if the first day on which votes may be cast in the ballot falls before 1st January 1991.

Additional condition relating to elections and political fund ballots

5.—(1) In regulation 12(ec) of the 1984 Regulations(c) (condition applying to a ballot carrying out an election governed by Part I of the 1984 Act or concerned with renewal of the adoption of political objects)—

(a) the word “and” at the end of sub-paragraph (ii) shall be omitted; and

(b) at the end there shall be inserted

“and

(iv) stated the name of the scrutineer.”.

(2) This regulation shall not apply in relation to a ballot if the scrutineer begins to carry out his functions in relation to the ballot before 1st January 1991.

Signed by order of the Secretary of State.

27th November 1990

Eric Forth
Parliamentary Under Secretary of State,
Department of Employment

(a) Regulation 12(b) of the 1984 Regulations was substituted by regulation 9(3) of the Funds for Trade Union Ballots (Amendment) Regulations 1988 (S.I. 1988/1123).

(b) Subsection (4A) was inserted in section 11 by section 7(1) of the Employment Act 1990.

(c) Paragraph (ec) was inserted in regulation 12 by regulation 6 of the Funds for Trade Union Ballots (Amendment No. 2) Regulations 1988 (S.I. 1988/2116).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Funds for Trade Union Ballots Regulations 1984 (as amended), which set out the terms of a scheme for payment of certain expenditure incurred by independent trade unions in holding secret postal ballots for specified purposes.

The effect of the amendments is to alter the conditions which a ballot must meet in order to be eligible for a payment under the scheme to take account of the following provisions of the Employment Act 1990:

- section 5(1), (2) and (3) of the Act, the effects of which are to alter the meaning of “contract of employment” and “overseas member” in the legislation relating to industrial action ballots;
- section 5(4) of the Act which provides that the voting paper must state the name of the independent scrutineer in certain elections and political fund ballots;
- section 7(1) of the Act which provides, in the case of an industrial action ballot, that the voting paper must specify who is authorised to call upon members to take the industrial action if the vote is in favour.

The Regulations come into force on 1st January 1991.