

2015 No. 717

TRADE UNIONS

**The Transparency of Lobbying, Non-Party Campaigning and
Trade Union Administration Act 2014 (Commencement No. 2
and Transitional Provision) Order 2015**

Made - - - -

16th March 2015

The Secretary of State, in exercise of the powers conferred by section 45(1)(c) and (2) of the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014(a), makes the following Order.

Citation

1. This Order may be cited as the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (Commencement No. 2 and Transitional Provision) Order 2015.

Interpretation

2. In this Order—

“the 1992 Act” means the Trade Union and Labour Relations (Consolidation) Act 1992(b);

“the 2014 Act” means the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014; and

“reporting period” means a period in relation to which the union is required by section 32 of the 1992 Act to send an annual return to the Certification Officer.

Provisions coming into force on 6th April 2015

3.—(1) The following provisions of the 2014 Act, come into force on 6th April 2015, and they apply in relation to a reporting period which commences on or after that date—

(a) section 40 (duty to provide membership audit certificate), so far as not already in force; and

(b) section 41 (duty to appoint an assurer etc).

(2) Section 41(2) of the 2014 Act, as regards the first sentence of section 24ZC(1) which is inserted in the 1992 Act by section 41(2), does not apply to a trade union before the last day of that trade union’s first reporting period which commences on or after 6th April 2015.

Provisions coming into force on 1st June 2016

4. The following provisions of the 2014 Act come into force on 1st June 2016—

- (a) section 42 (investigatory powers); and
- (b) section 43 (enforcement).

Jo Swinson

Parliamentary Under Secretary of State for Employment Relations and Consumer Affairs
16th March 2015

Department for Business, Innovation and Skills

EXPLANATORY NOTE

(This note is not part of the Order)

This is the second Commencement Order under the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4) (“the 2014 Act”) and commences provisions in Part 3 of the 2014 Act. Provisions commenced by the first Commencement Order are noted below.

Sections 40 and 41 of the 2014 Act amended Chapter III of Part 1 of the Trade Union and Labour Relations (Consolidation) Act 1992 (1992 c.52) (“the 1992 Act”), to insert sections 24ZA to 24ZG. These new sections impose the requirement on a trade union to provide a membership audit certificate as well as the requirement to appoint an assurer where the trade union has more than 10,000 members.

Section 41 of the 2014 Act, insofar as it inserted section 24ZB(3) of the 1992 Act, came into force on the passing of the 2014 Act, for the purpose of making orders.

Article 3(1) commences the remaining provisions of sections 40 and 41 of the 2014 Act on 6th April 2015, and applies to a reporting period (as defined in article 2) which commences on or after that date.

Article 3(2) provides that the requirement inserted by section 41(2) of the 2014 Act, and contained in the first sentence in new section 24ZC(1) of the 1992 Act, does not apply to a trade union until the last day of a trade union’s first reporting period on or after 6th April 2015. This provision requires the rules of trade unions to provide for the appointment and removal of an assurer.

Article 4 commences sections 42 and 43 of the 2014 Act on 1st June 2016, inserting sections 24ZH to 24C into the 1992 Act. These provisions give the Certification Officer investigatory and enforcement powers in relation to the requirements inserted into the 1992 Act by sections 40 and 41 of the 2014 Act.

NOTE AS TO EARLIER COMMENCEMENT ORDER

(This note is not part of the Order)

<i>Provision of the 2014 Act</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 2	23rd May 2014	2014/1236
Section 3	23rd May 2014	2014/1236
Section 21	23rd May 2014	2014/1236
Section 24	23rd May 2014	2014/1236
Section 25	23rd May 2014	2014/1236
Section 26 (11) and (12)	23rd May 2014	2014/1236
Section 31	23rd May 2014	2014/1236
Section 32	23rd May 2014	2014/1236
Section 38	23rd May 2014	2014/1236
Schedule 1	23rd May 2014	2014/1236
Schedule 2	23rd May 2014	2014/1236

Section 36
Section 37

1st July 2014
1st July 2014

2014/1236
2014/1236

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