



# Trade Union and Labour Relations (Consolidation) Act 1992

## 1992 CHAPTER 52

### PART V

#### INDUSTRIAL ACTION

##### *Requirement of ballot before action by trade union*

#### **234 Period after which ballot ceases to be effective.**

[<sup>F1</sup>(1) Industrial action that is regarded as having the support of a ballot shall cease to be so regarded at the end of the period, beginning with the date of the ballot—

- (a) of six months, or
- (b) of such longer duration not exceeding nine months as is agreed between the union and the members' employer.

(1A) Subsection (1) has effect—

- (a) without prejudice to the possibility of the industrial action getting the support of a fresh ballot; and
- (b) subject to the following provisions.]

(2) Where for the whole or part of that period the calling or organising of industrial action is prohibited—

- (a) by virtue of a court order which subsequently lapses or is discharged, recalled or set aside, or
- (b) by virtue of an undertaking given to a court by any person from which he is subsequently released or by which he ceases to be bound,

the trade union may apply to the court for an order that the period during which the prohibition had effect shall not count towards the period referred to in subsection (1).

(3) The application must be made forthwith upon the prohibition ceasing to have effect—

- (a) to the court by virtue of whose decision it ceases to have effect, or

---

**Changes to legislation:** Trade Union and Labour Relations (Consolidation) Act 1992, Section 234 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

---

- (b) where an order lapses or an undertaking ceases to bind without any such decision, to the court by which the order was made or to which the undertaking was given;

F2  
...

- (4) The court shall not make an order if it appears to the court—
- (a) that the result of the ballot no longer represents the views of the union members concerned, or
- (b) that an event is likely to occur as a result of which those members would vote against industrial action if another ballot were to be held.
- (5) No appeal lies from the decision of the court to make or refuse an order under this section.
- (6) The period between the making of an application under this section and its determination does not count towards the period referred to in subsection (1).

F3  
...

---

#### Textual Amendments

- F1** S. 234(1)(1A) substituted for s. 234(1) (1.3.2017) by Trade Union Act 2016 (c. 15), **ss. 9(1)**, 25(1) (with s. 9(2)); S.I. 2017/139, reg. 2(g)
- F2** Words in s. 234(3) omitted (1.3.2017) by virtue of Trade Union Act 2016 (c. 15), s. 25(1), **Sch. 4 para. 14(a)** (with s. 9(2)); S.I. 2017/139, reg. 2(n)(i)
- F3** Words in s. 234(6) omitted (1.3.2017) by virtue of Trade Union Act 2016 (c. 15), s. 25(1), **Sch. 4 para. 14(b)** (with s. 9(2)); S.I. 2017/139, reg. 2(n)(i)
- 

#### Modifications etc. (not altering text)

- C1** S. 234 applied (14.8.2000) by S.I. 2000/1828, **art. 2(5)(c)**

**Changes to legislation:**

Trade Union and Labour Relations (Consolidation) Act 1992, Section 234 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 212A(1)(zb) inserted by [2023 c. 46 Sch. para. 1](#)