



Trade Union and Labour Relations (Consolidation) Act 1992

1992 CHAPTER 52

PART I

TRADE UNIONS

CHAPTER III

TRADE UNION ADMINISTRATION

Supplementary

[^{F1}45C Remedies and enforcement.

- (1) A member of a trade union who claims that the union has failed to comply with the requirement of section 45B may apply to the Certification Officer or to the court for a declaration to that [^{F2}effect; but the Certification Officer may also exercise the powers under this section where no application is made under this section.]

[Where an application is made to the Certification Officer under this section, the Officer
^{F3}(1A) must ensure that, so far as is reasonably practicable, it is determined within six months of being made.]

[^{F4}(2) Where the Certification Officer is satisfied that a trade union has failed to comply with the requirement of section 45B, the Officer may make a declaration to that effect.

(2A) Before deciding the matter the Certification Officer—

- (a) may make such enquiries as the Officer thinks fit,
- (b) must give the union and the applicant (if any) an opportunity to make written representations, and
- (c) may give the union and the applicant (if any) an opportunity to make oral representations.

Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Section 45C is up to date with all changes known to be in force on or before 09 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

(2B) The Certification Officer must give reasons for the Officer's decision in writing.]

^{F5}(3)

^{F5}(4)

(5) Where the court makes a declaration it shall also, unless it considers that it would be inappropriate, make an order imposing on the trade union a requirement to take within such period as may be specified in the order such steps to remedy the declared failure as may be so specified.

^{F6}(5A) [Where the Certification Officer makes a declaration he shall also, unless he considers that it would be inappropriate, make an order imposing on the trade union a requirement to take within such period as may be specified in the order such steps to remedy the declared failure as may be so specified.

(5B) The following paragraphs have effect if a person applies to the Certification Officer under this section in relation to an alleged failure—

- (a) that person may not apply to the court under this section in relation to that failure;
- (b) on an application by a different person to the court under this section in relation to that failure, the court shall have due regard to any declaration, order, observations or reasons made or given by the Certification Officer regarding that failure and brought to the court's notice.

(5C) The following paragraphs have effect if a person applies to the court under this section in relation to an alleged failure—

- (a) that person may not apply to the Certification Officer under this section in relation to that failure;
- (b) on an application by a different person to the Certification Officer under this section in relation to that failure, the Certification Officer shall have regard to any declaration, order, observations or reasons made or given by the court regarding that failure and brought to the Certification Officer's notice.]

(6) Where an order has been made [^{F7}under subsection (5) or (5A)], any person who is a member of the trade union and was a member at the time the order was made is entitled to enforce the order as if he had made [^{F8}an application under this section].

^{F9}(7) [Where the Certification Officer requests a person to furnish information to him in connection with enquiries made by him under this section, he shall specify the date by which that information is to be furnished and, unless he considers that it would be inappropriate to do so, shall proceed with his determination ^{F10}... notwithstanding that the information has not been furnished to him by the specified date.

(8) A declaration made by the Certification Officer under this section may be relied on as if it were a declaration made by the court.

(9) An order made by the Certification Officer under this section may be enforced [^{F11}(by the Certification Officer, the applicant or a person mentioned in subsection (6))] in the same way as an order of the court.]]

Textual Amendments

F1 S. 45C inserted (30.8.1993) by 1993 c. 19, s. 12; S.I. 1993/1908, art. 2(1), Sch. 1

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- F2** Words in s. 45C(1) substituted (1.4.2022) by Trade Union Act 2016 (c. 15), s. 25(1), **Sch. 2 para. 1(2)**; S.I. 2021/1373, reg. 4(b) (with reg. 7)
- F3** S. 45C(1A) inserted (1.4.2022) by Trade Union Act 2016 (c. 15), s. 25(1), **Sch. 2 para. 1(3)**; S.I. 2021/1373, reg. 4(b) (with reg. 7)
- F4** S. 45C(2)-(2B) substituted for s. 45C(2) (1.4.2022) by Trade Union Act 2016 (c. 15), s. 25(1), **Sch. 2 para. 1(4)**; S.I. 2021/1373, reg. 4(b) (with reg. 7)
- F5** S. 45C(3)(4) repealed (25.10.1999) by 1999 c. 26, ss. 29, 44, Sch. 6 paras. 1, 7(1)(4), **Sch. 9(7)**; S.I. 1999/2830, art. 2(1)(3), Sch. 1 Pt. I, **Sch. 2 Pt. I** (with Sch. 3 para. 5)
- F6** S. 45C(5A)-(5C) inserted (25.10.1999) by 1999 c. 26, s. 29, Sch. 6 paras. 1, **7(1)(5)**; S.I. 1999/2830, art. 2(1), **Sch. 1 Pt. I** (with Sch. 3 para. 4)
- F7** Words in s. 45C(6) inserted (25.10.1999) by 1999 c. 26, s. 29, Sch. 6 paras. 1, **7(1)(6)**; S.I. 1999/2830, art. 2(1), **Sch. 1 Pt. I** (with Sch. 3 para. 4)
- F8** Words in s. 45C(6) substituted (1.4.2022) by Trade Union Act 2016 (c. 15), s. 25(1), **Sch. 2 para. 1(5)**; S.I. 2021/1373, reg. 4(b) (with reg. 7)
- F9** S. 45C(7)-(9) inserted (25.10.1999) by 1999 c. 26, s. 29, **Sch. 6**, paras. 1, 7(1)(7); S.I. 1999/2830, art. 2(1), **Sch. 1 Pt. I** (with Sch. 3 para. 4)
- F10** Words in s. 45C(7) omitted (1.4.2022) by virtue of Trade Union Act 2016 (c. 15), s. 25(1), **Sch. 2 para. 1(6)**; S.I. 2021/1373, reg. 4(b) (with reg. 7)
- F11** Words in s. 45C(9) inserted (1.4.2022) by Trade Union Act 2016 (c. 15), **ss. 19(4)**, 25(1); S.I. 2021/1373, reg. 4(c) (with reg. 15)

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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](#)