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DRAFT STATUTORY INSTRUMENTS

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**2022 No.**

**The Trade Union (Levy Payable to the  
Certification Officer) Regulations 2022**

**PART 2**

**Levy payable to Certification Officer**

**Notification of the levy**

7.—(1) Where a levy is payable by a relevant organisation for a financial year in accordance with regulation 5, the Certification Officer must send a notice requiring payment of the levy to that relevant organisation.

(2) Where the amount of levy determined by the Certification Officer in accordance with regulation 5 is payable by a relevant organisation which ceases to exist by virtue of an amalgamation or transfer of engagements under Chapter VII of Part I of the 1992 Act, after that determination and before a notice is sent to that relevant organisation under paragraph (1), the levy which would otherwise be payable by that relevant organisation is payable by the successor to that relevant organisation, in addition to any other amount of levy payable by that successor, and the Certification Officer must send a notice requiring payment accordingly.

(3) Where the amount of levy determined by the Certification Officer in accordance with regulation 5 is payable by a relevant organisation which ceases to exist other than by virtue of an amalgamation or transfer of engagements under Chapter VII of Part I of the 1992 Act, after that determination and before a notice is sent to that relevant organisation under paragraph (1), that amount ceases to be payable.

(4) The notice may only be sent during the period—

- (a) beginning with 1st April of the financial year to which the levy relates; and
- (b) ending with 30th June of the financial year following that to which the levy relates.

(5) The notice must specify—

- (a) the amount of the levy payable by the relevant organisation;
- (b) the day by which the levy, or any instalment of the levy, must be paid, which must be at least 30 days after the date the notice is sent; and
- (c) how the levy is to be paid.

(6) The notice must also include an explanation of how the amount has been determined.

(7) Notices sent under this regulation must be in writing and served on a relevant organisation by—

- (a) delivering the notice to the relevant organisation's—
  - (i) last address known to the Certification Officer;
  - (ii) place of business; or
  - (iii) registered office; or

- (b) sending the notice by post to the relevant organisation's—
    - (i) last address known to the Certification Officer;
    - (ii) place of business; or
    - (iii) registered office; or
  - (c) where the relevant organisation has notified the Certification Officer of an e-mail address at which the relevant organisation is content to accept service, sending an electronic copy of the notice to that e-mail address.
- (8) Where a notice sent under this regulation later appears to the Certification Officer to be incorrect in any respect, the Certification Officer may withdraw it by sending a notice of withdrawal to the relevant organisation, to be served in accordance with paragraph (7).
- (9) Where a notice of withdrawal has been sent under paragraph (8)—
- (a) unless it appears to the Certification Officer that no levy is payable by the relevant organisation in respect of the financial year, the Certification Officer must send a replacement notice requiring payment of the levy to the relevant organisation;
  - (b) the provisions of this regulation apply to the replacement notice; and
  - (c) the replacement notice must also state that it replaces the notice in respect of which the notice of withdrawal has been sent.