



# Employment Act 1988

## 1988 CHAPTER 19

### PART I

#### TRADE UNIONS

##### *Use of trade union funds*

#### **9 Remedy against trustees for unlawful use of property**

- (1) Subject to subsection (2) below, a member of a trade union who claims that the trustees of the union's property—
- (a) have so carried out their functions, or are proposing so to carry out their functions, as to cause or permit any unlawful application of the union's property; or
  - (b) have complied, or are proposing to comply, with any unlawful direction which has been or may be given, or purportedly given, to them under the rules of the union,
- may apply to the court for an order under this section.
- (2) A person shall not be entitled to make an application under subsection (1) above in a case relating to property which has already been unlawfully applied or to an unlawful direction that has already been complied with, unless he was a member of the union at the time when the property was applied or, as the case may be, the direction complied with.
- (3) Subject to subsection (4) below, where, on an application under subsection (1) above, the court is satisfied that the claim is well-founded, the court shall make such order as it considers appropriate; and, without prejudice to the generality of its powers under this subsection, the powers of the court on such an application shall include—
- (a) power to require the trustees of a trade union (if necessary, on behalf of the union) to take all such steps as may be specified in the order for protecting or recovering the property of the union;

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*Status: This is the original version (as it was originally enacted).*

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- (b) power to appoint a receiver of, or in Scotland a judicial factor on, the property of a trade union; and
  - (c) power to remove one or more of the trustees of any such property.
- (4) Where the court makes an order under this section—
- (a) in a case in which property of a trade union has been applied in contravention of the order of any court or in compliance with any direction given in contravention of the order of any court; or
  - (b) in a case in which the trustees in question were proposing to apply property in contravention of the order of any court or to comply with any direction the giving of which was or, as the case may be, would have been in contravention of the order of any court,
- the order of the court under this section shall remove all the trustees except any trustee who satisfies the court that there is a good reason for allowing him to remain a trustee.
- (5) This section shall be without prejudice to any remedy available otherwise than under this section in respect of any breach of trust by the trustees of a trade union's property.