



Trade Union and Labour Relations (Consolidation) Act 1992

1992 CHAPTER 52

PART I

TRADE UNIONS

CHAPTER III

TRADE UNION ADMINISTRATION

Register of members' names and addresses

24 Duty to maintain register of members' names and addresses.

- (1) A trade union shall compile and maintain a register of the names and addresses of its members, and shall secure, so far as is reasonably practicable, that the entries in the register are accurate and are kept up-to-date.
- (2) The register may be kept by means of a computer.
- (3) A trade union shall—
 - (a) allow any member, upon reasonable notice, to ascertain from the register, free of charge and at any reasonable time, whether there is an entry on it relating to him; and
 - (b) if requested to do so by any member, supply him as soon as reasonably practicable, either free of charge or on payment of a reasonable fee, with a copy of any entry on the register relating to him.

^{F1}(4)

Status: Point in time view as at 06/04/2015.

Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Cross Heading: Register of members' names and addresses is up to date with all changes known to be in force on or before 23 April 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)

- (5) For the purposes of this section a member's address means either his home address or another address which he has requested the union in writing to treat as his postal address.
- (6) The remedy for failure to comply with the requirements of this section is by way of application under section 25 (to the Certification Officer) or section 26 (to the court).

F2
...

Textual Amendments

- F1** S. 24(4) repealed (30.8.1993) by 1993 c. 19, s. 51, **Sch. 10**; S.I. 1993/1908, art. 2(1), **Sch. 1**
- F2** Words in s. 24(6) repealed (25.10.1999) by 1999 C. 26, ss. 29, 44, Sch. 6 paras. 1, 2, Sch. 9(7); S.I. 1999/2830, arts. 2(1)(3), **Sch. 2 Pt. I** (with Sch. 3 para. 5)

[^{F3}24ZA Duty to provide membership audit certificate

- (1) A trade union required to maintain a register of the names and addresses of its members by section 24 must send to the Certification Officer a membership audit certificate in relation to each reporting period.
- (2) In this section and in sections 24ZB to 24ZF, a “reporting period” means a period in relation to which the union is required by section 32 to send an annual return to the Certification Officer.
- (3) The union must send the membership audit certificate in relation to a reporting period to the Certification Officer at the same time as it sends to the Officer its annual return under section 32 in relation to that period.
- (4) In the case of a trade union required by section 24ZB to appoint an assurer in relation to a reporting period, the “membership audit certificate” in relation to that period is the certificate which the assurer is required to provide to the union in relation to that period pursuant to that appointment.
- (5) In any other case, the “membership audit certificate” in relation to a reporting period is a certificate which—
- must be signed by an officer of the trade union who is authorised to sign on its behalf,
 - must state the officer's name, and
 - must state whether, to the best of the officer's knowledge and belief, the union has complied with its duties under section 24(1) throughout the reporting period.
- (6) A trade union must, at a person's request, supply the person with a copy of its most recent membership audit certificate either free of charge or on payment of a reasonable charge.
- (7) The Certification Officer must at all reasonable hours keep available for public inspection, either free of charge or on payment of a reasonable charge, copies of all membership audit certificates sent to the Officer under this section.]

Status: Point in time view as at 06/04/2015.

Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Cross Heading: Register of members' names and addresses is up to date with all changes known to be in force on or before 23 April 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)

Textual Amendments

- F3** S. 24ZA inserted (6.4.2015 with application in accordance with art. 3 of the commencing S.I.) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), [ss. 40\(2\)](#), [45\(1\)\(c\)](#); S.I. 2015/717, art. 3(1)(a)

[^{F4}24ZB Duty to appoint an assurer

- (1) A trade union required to maintain a register of the names and addresses of its members by section 24 must, in relation to each reporting period, appoint a qualified independent person to be an assurer in relation to that period.
- (2) There is incorporated in the assurer's appointment a duty which the assurer owes to the trade union—
 - (a) to provide to the union a membership audit certificate in relation to the reporting period which accords with the requirements of section 24ZD, and
 - (b) to carry out such enquiries as the assurer considers necessary to enable the assurer to provide that certificate.
- (3) A person is a “qualified independent person” if—
 - (a) the person either satisfies such conditions as may be specified for the purposes of this section by order of the Secretary of State or is specified by name in such an order, and
 - (b) the trade union has no grounds for believing that—
 - (i) the person will carry out an assurer's functions otherwise than competently, or
 - (ii) the person's independence in relation to the union might reasonably be called into question.
- (4) None of the following may act as an assurer—
 - (a) an officer or employee of the trade union or of any of its branches or sections;
 - (b) a person who is a partner of, or in the employment of, or who employs, such an officer or employee.
- (5) This section does not apply to a trade union in relation to a reporting period if the number of its members at the end of the preceding reporting period did not exceed 10,000.
- (6) Any order under this section is to be made by statutory instrument and is to be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

- F4** Ss. 24ZB-24ZG inserted (30.1.2014 for specified purposes, 6.4.2015 in so far as not already in force and with application in accordance with art. 3 of the commencing S.I.) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), [ss. 41\(2\)](#), [45\(3\)\(c\)](#); S.I. 2015/717, art. 3(1)(b) (with art. 3(2))

Status: Point in time view as at 06/04/2015.

Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Cross Heading: Register of members' names and addresses is up to date with all changes known to be in force on or before 23 April 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)

[^{F4}24ZC Appointment and removal of an assurer

- (1) The rules of every trade union to which section 24ZB applies must contain provision for the appointment and removal of an assurer.

But the following provisions have effect notwithstanding anything in the rules.

- (2) An assurer must not be removed from office except by resolution passed at a general meeting of the members of the union or of delegates of its members.
- (3) A person duly appointed as an assurer in relation to a reporting period must be reappointed as assurer in relation to the following reporting period, unless—
- (a) a resolution has been passed at a general meeting of the trade union appointing somebody else instead or providing expressly that the person is not to be re-appointed,
 - (b) the person has given notice to the union in writing of the person's unwillingness to be re-appointed,
 - (c) the person is not qualified for the appointment in accordance with section 24ZB, or
 - (d) the person has ceased to act as assurer by reason of incapacity.
- (4) But a person need not automatically be re-appointed where—
- (a) the person is retiring,
 - (b) notice has been given of an intended resolution to appoint somebody else instead, and
 - (c) that resolution cannot be proceeded with at the meeting because of the death or incapacity of the proposed replacement.]

Textual Amendments

- F4** Ss. 24ZB-24ZG inserted (30.1.2014 for specified purposes, 6.4.2015 in so far as not already in force and with application in accordance with art. 3 of the commencing S.I.) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), **ss. 41(2)**, 45(3)(c); S.I. 2015/717, art. 3(1)(b) (with art. 3(2))

[^{F4}24ZD Requirements of assurer's membership audit certificate

- (1) For the purposes of section 24ZB(2)(a) the requirements of a membership audit certificate in relation to a reporting period provided by an assurer are as follows.
- (2) The certificate must state the name of, and be signed by, the assurer.
- (3) The certificate must state—
- (a) whether, in the assurer's opinion, the trade union's system for compiling and maintaining the register of the names and addresses of its members was satisfactory for the purposes of complying with the union's duties under section 24(1) throughout the reporting period, and
 - (b) whether, in the assurer's opinion, the assurer has obtained the information and explanations which the assurer considers necessary for the performance of the assurer's functions.
- (4) If the certificate states that—

Status: Point in time view as at 06/04/2015.

Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Cross Heading: Register of members' names and addresses is up to date with all changes known to be in force on or before 23 April 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)

- (a) in the assurer's opinion, the trade union's system for compiling and maintaining the register was not satisfactory for the purposes of complying with the union's duties under section 24(1) throughout the reporting period, or
- (b) in the assurer's opinion, the assurer has failed to obtain the information and explanations which the assurer considers necessary for the performance of the assurer's functions,

the certificate must state the assurer's reasons for making that statement.

- (5) In the case of a failure to obtain information or explanations as described in subsection (4)(b), the certificate must also—
- (a) provide a description of the information or explanations requested or required which have not been obtained, and
 - (b) state whether the assurer required that information or those explanations from the union's officers, or officers of any of its branches or sections, under section 24ZE.
- (6) The reference in subsection (2) to signature by the assurer is, where that office is held by a body corporate or partnership, to signature in the name of the body corporate or partnership by an individual authorised to sign on its behalf.

Textual Amendments

- F4** Ss. 24ZB-24ZG inserted (30.1.2014 for specified purposes, 6.4.2015 in so far as not already in force and with application in accordance with art. 3 of the commencing S.I.) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), **ss. 41(2)**, 45(3)(c); S.I. 2015/717, art. 3(1)(b) (with art. 3(2))

24ZE Rights of assurer

- (1) An assurer appointed by a trade union under section 24ZB—
- (a) has a right of access at all reasonable times to the register of the names and addresses of the union's members and to all other documents which the assurer considers may be relevant to whether the union has complied with any of the requirements of section 24(1), and
 - (b) is entitled to require from the union's officers, or the officers of any of its branches or sections, such information and explanations as the assurer considers necessary for the performance of the assurer's functions.
- (2) In subsection (1) references to documents include information recorded in any form.

Textual Amendments

- F4** Ss. 24ZB-24ZG inserted (30.1.2014 for specified purposes, 6.4.2015 in so far as not already in force and with application in accordance with art. 3 of the commencing S.I.) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), **ss. 41(2)**, 45(3)(c); S.I. 2015/717, art. 3(1)(b) (with art. 3(2))

24ZF Duty to inform the Certification Officer

If an assurer provides a membership audit certificate in relation to a reporting period to a trade union which states that, in the assurer's opinion—

Status: Point in time view as at 06/04/2015.

Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Cross Heading: Register of members' names and addresses is up to date with all changes known to be in force on or before 23 April 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)

- (a) the union's system for compiling and maintaining the register was not satisfactory for the purposes of complying with the union's duties under section 24(1) throughout that period, or
 - (b) the assurer has failed to obtain the information and explanations which the assurer considers necessary for the performance of the assurer's functions,
- the assurer must send a copy of the certificate to the Certification Officer as soon as is reasonably practicable after it is provided to the union.

Textual Amendments

F4 Ss. 24ZB-24ZG inserted (30.1.2014 for specified purposes, 6.4.2015 in so far as not already in force and with application in accordance with art. 3 of the commencing S.I.) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), **ss. 41(2)**, 45(3)(c); S.I. 2015/717, art. 3(1)(b) (with art. 3(2))

24ZG Duty of confidentiality

- (1) The duty of confidentiality as respects the register is incorporated in an assurer's appointment by a trade union under section 24ZB.
- (2) The duty of confidentiality as respects the register is a duty which the assurer owes to the union—
 - (a) not to disclose any name or address in the register of the names and addresses of the union's members except in permitted circumstances, and
 - (b) to take all reasonable steps to secure that there is no disclosure of any such name or address by another person except in permitted circumstances.
- (3) The circumstances in which disclosure of a member's name or address is permitted are—
 - (a) where the member consents,
 - (b) where it is required or requested by the Certification Officer for the purposes of the discharge of any of the Officer's functions,
 - (c) where it is required for the purposes of the discharge of any of the functions of an inspector appointed by the Officer,
 - (d) where it is required for the purposes of the discharge of any of the functions of the assurer, or
 - (e) where it is required for the purposes of the investigation of crime or criminal proceedings.]

Textual Amendments

F4 Ss. 24ZB-24ZG inserted (30.1.2014 for specified purposes, 6.4.2015 in so far as not already in force and with application in accordance with art. 3 of the commencing S.I.) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), **ss. 41(2)**, 45(3)(c); S.I. 2015/717, art. 3(1)(b) (with art. 3(2))

[^{F5}24A Securing confidentiality of register during ballots.

- (1) This section applies in relation to a ballot of the members of a trade union on—
 - (a) an election under Chapter IV for a position to which that Chapter applies,

Status: Point in time view as at 06/04/2015.

Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Cross Heading: Register of members' names and addresses is up to date with all changes known to be in force on or before 23 April 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)

- (b) a political resolution under Chapter VI, and
- (c) a resolution to approve an instrument of amalgamation or transfer under Chapter VII.
- (2) Where this section applies in relation to a ballot the trade union shall impose the duty of confidentiality in relation to the register of members' names and addresses on the scrutineer appointed by the union for the purposes of the ballot and on any person appointed by the union as the independent person for the purposes of the ballot.
- (3) The duty of confidentiality in relation to the register of members' names and addresses is, when imposed on a scrutineer or on an independent person, a duty—
- (a) not to disclose any name or address in the register except in permitted circumstances; and
- (b) to take all reasonable steps to secure that there is no disclosure of any such name or address by any other person except in permitted circumstances;
- and any reference in this Act to “the duty of confidentiality” ^{F6}, in the context of a scrutineer or independent person,] is a reference to the duty prescribed in this subsection.
- (4) The circumstances in which disclosure of a member's name and address is permitted are—
- (a) where the member consents;
- (b) where it is requested by the Certification Officer for the purposes of the discharge of any of his functions or it is required for the purposes of the discharge of any of the functions of an inspector appointed by him;
- (c) where it is required for the purposes of the discharge of any of the functions of the scrutineer or independent person, as the case may be, under the terms of his appointment;
- (d) where it is required for the purposes of the investigation of crime or of criminal proceedings.
- (5) Any provision of this Part which incorporates the duty of confidentiality as respects the register into the appointment of a scrutineer or an independent person has the effect of imposing that duty on the scrutineer or independent person as a duty owed by him to the trade union.
- (6) The remedy for failure to comply with the requirements of this section is by way of application under section 25 (to the Certification Officer) or section 26 (to the court).
- ^{F7} . . .]

Textual Amendments

- F5** S. 24A inserted (30.8.1993) by 1993 c. 19, s. 6; S.I. 1993/1908, art. 2(1), **Sch. 1**
- F6** Words in s. 24A(3) inserted (30.1.2014 for specified purposes, 6.4.2015 in so far as not already in force and with application in accordance with art. 3 of the commencing S.I.) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), **ss. 41(3)**, 45(3) (c); S.I. 2015/717, art. 3(1)(b)
- F7** Words in s. 24A repealed (25.10.1999) by 1999 c. 26, ss. 29, 44, **Sch. 6** paras. 1, 2, **Sch. 9(7)**; S.I. 1999/2830, art. 2(1)(3), **Sch. 1 Pt. I**, **Sch. 2 Pt. I** (with **Sch. 3** para. 5)

Status: Point in time view as at 06/04/2015.

Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Cross Heading: Register of members' names and addresses is up to date with all changes known to be in force on or before 23 April 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)

25 Remedy for failure: application to Certification Officer.

- (1) A member of a trade union who claims that the union has failed to comply with any of the requirements of section 24 [^{F8}or 24A] (duties with respect to register of members' names and addresses) may apply to the Certification Officer for a declaration to that effect.
- (2) On an application being made to him, the Certification Officer shall—
 - (a) make such enquiries as he thinks fit, and
 - (b) ^{F9} . . . give the applicant and the trade union an opportunity to be heard, and may make or refuse the declaration asked for.
- (3) If he makes a declaration he shall specify in it the provisions with which the trade union has failed to comply.
- (4) Where he makes a declaration and is satisfied that steps have been taken by the union with a view to remedying the declared failure, or securing that a failure of the same or any similar kind does not occur in future, or that the union has agreed to take such steps, he shall specify those steps in the declaration.
- (5) Whether he makes or refuses a declaration, he shall give reasons for his decision in writing; and the reasons may be accompanied by written observations on any matter arising from, or connected with, the proceedings.
- [^{F10}(5A) Where the Certification Officer makes a declaration he shall also, unless he considers that to do so would be inappropriate, make an enforcement order, that is, an order imposing on the union one or both of the following requirements—
 - (a) to take such steps to remedy the declared failure, within such period, as may be specified in the order;
 - (b) to abstain from such acts as may be so specified with a view to securing that a failure of the same or a similar kind does not occur in future.
- ^{F10}(5B) Where an enforcement order has been made, any person who is a member of the union and was a member at the time it was made is entitled to enforce obedience to the order as if he had made the application on which the order was made.]
- (6) In exercising his functions under this section the Certification Officer shall ensure that, so far as is reasonably practicable, an application made to him is determined within six months of being made.
- (7) Where he 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 of the application notwithstanding that the information has not been furnished to him by the specified date.
- ^{F11}[(8) The Certification Officer shall not entertain an application for a declaration as respects an alleged failure to comply with the requirements of section 24A in relation to a ballot to which that section applies unless the application is made before the end of the period of one year beginning with the last day on which votes could be cast in the ballot.]
- [^{F12}(9) A declaration made by the Certification Officer under this section may be relied on as if it were a declaration made by the court.
- ^{F12}(10) An enforcement order made by the Certification Officer under this section may be enforced in the same way as an order of the court.

Status: Point in time view as at 06/04/2015.

Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Cross Heading: Register of members' names and addresses is up to date with all changes known to be in force on or before 23 April 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)

- ^{F12}(11) The following paragraphs have effect if a person applies under section 26 in relation to an alleged failure—
- (a) that person may not apply under this section in relation to that failure;
 - (b) on an application by a different person under this section in relation to that failure, the Certification Officer shall have due 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.]

Textual Amendments

- F8** Words in s. 25(1) inserted (30.8.1993) by 1993 c. 19, s. 49(2), **Sch. 8 para. 40(a)**; S.I. 1993/1908, art. 2(1), **Sch. 1**
- F9** Words in s. 25(2)(b) repealed (25.10.1999) by 1999 c. 26, ss. 29, 44, **Sch. 6 paras. 1,4(2)**, Sch. 9(7); S.I. 1999/2830, art. 2(3), **Sch. 2 Pt. I** (with Sch. 3 para. 5)
- F10** S. 25(5A)(5B) inserted (25.10.1999) by 1999 c. 26, s. 29, Sch. 6 para. 1, **4(3)**; S.I. 1999/2830, art. 2(1), **Sch. 1 Pt. I** (with Sch. 3 para. 4)
- F11** S. 25(8) inserted (30.8.1993) by 1993 c. 19, s. 49(2), **Sch. 8 para. 40(b)**; S.I. 1993/1908, art. 2(1), **Sch. 1**
- F12** S. 25(9)-(11) inserted (25.10.1999) by 1999 c. 26, s. 29, Sch. 6 paras. 1, **4(4)**; S.I. 1999/2830, art. 2(1), **Sch. 1 Pt. I** (with Sch. 3 para. 4)

26 Remedy for failure: application to court.

- (1) A member of a trade union who claims that the union has failed to comply with any of the requirements of section 24 [^{F13}or 24A] (duties with respect to register of members' names and addresses) may apply to the court for a declaration to that effect.
- ^{F14}(2)
- (3) If the court makes a declaration it shall specify in it the provisions with which the trade union has failed to comply.
- (4) Where the court makes a declaration it shall also, unless it considers that to do so would be inappropriate, make an enforcement order, that is, an order imposing on the union one or both of the following requirements—
- (a) to take such steps to remedy the declared failure, within such period, as may be specified in the order;
 - (b) to abstain from such acts as may be so specified with a view to securing that a failure of the same or a similar kind does not occur in future.
- (5) Where an enforcement order has been made, any person who is a member of the union and was a member at the time it was made, is entitled to enforce obedience to the order as if he had made the application on which the order was made.
- (6) Without prejudice to any other power of the court, the court may on an application under this section grant such interlocutory relief (in Scotland, such interim order) as it considers appropriate.
- ^{F15}[(7) The court shall not entertain an application for a declaration as respects an alleged failure to comply with the requirements of section 24A in relation to a ballot to which that section applies unless the application is made before the end of the period of one year beginning with the last day on which votes could be cast in the ballot.]

Status: Point in time view as at 06/04/2015.

Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Cross Heading: Register of members' names and addresses is up to date with all changes known to be in force on or before 23 April 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)

[^{F16}(8) The following paragraphs have effect if a person applies under section 25 in relation to an alleged failure—

- (a) that person may not apply under this section in relation to that failure;
- (b) on an application by a different person 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.]

Textual Amendments

- F13** Words in s. 26(1) inserted (30.8.1993) by 1993 c. 19, s. 49(2), **Sch. 8 para. 41(a)**; S.I. 1993/1908, art. 2(1), **Sch. 1**
- F14** S. 26(2) repealed (25.10.1999) by 1999 c. 26, ss. 29, 44, Sch. 6 para. 1, 5(2), **Sch. 9(7)**; S.I. 1999/2830, art. 2(1)(3), **Sch. 1 Pt. I, Sch. 2 Pt. I** (with Sch. 3 para. 5)
- F15** S. 26(7) inserted (30.8.1993) by 1993 c. 19, s. 49(2), **Sch. 8 para. 41(b)**; S.I. 1993/1908, art. 2(1), **Sch. 1**
- F16** S. 26(8) inserted (25.10.1999) by 1999 c. 26, s. 29, Sch. 6 paras. 1, **5(3)**; S.I. 1999/2830, **art. 2(1) Sch. 1 Pt. I** (with Sch. 3 para. 4)

Status:

Point in time view as at 06/04/2015.

Changes to legislation:

Trade Union and Labour Relations (Consolidation) Act 1992, Cross Heading: Register of members' names and addresses is up to date with all changes known to be in force on or before 23 April 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.