



# Trade Union and Labour Relations (Consolidation) Act 1992

## 1992 CHAPTER 52

### PART VI

#### ADMINISTRATIVE PROVISIONS

##### *The Commissioner for the Rights of Trade Union Members*

#### **266 The Commissioner.**

- (1) There shall continue to be an officer called the Commissioner for the Rights of Trade Union Members (referred to in this Act as the Commissioner) whose function is to provide assistance in accordance with Chapter VIII of Part I of this Act in connection with certain legal proceedings.
- (2) The Commissioner shall be appointed by the Secretary of State.
- (3) The Commissioner shall have an official seal for the authentication of documents required for the purposes of his functions.
- (4) Anything authorised or required by or under this Act to be done by the Commissioner may be done by a member of his staff authorised by him for the purpose, whether generally or specifically.

An authorisation given for the purposes of this subsection continues to have effect during a vacancy in the office of Commissioner.

- (5) Neither the Commissioner nor any member of his staff shall, in that capacity, be regarded as a servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.

*Status: Point in time view as at 16/10/1992.*

*Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Cross Heading: The Commissioner for the Rights of Trade Union Members is up to date with all changes known to be in force on or before 20 May 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)*

## **267 Terms of appointment of Commissioner.**

- (1) The Commissioner shall hold and vacate office in accordance with the terms of his appointment, subject to the following provisions.
- (2) The appointment of a person to hold office as the Commissioner shall be for a term not exceeding five years; but previous appointment to that office does not affect eligibility for re-appointment.
- (3) The Secretary of State may remove a person from that office if he is satisfied—
  - (a) that that person has been adjudged bankrupt, his estate has been sequestrated or he has made a composition or arrangement with, or granted a trust deed for, his creditors,
  - (b) that he is incapacitated by physical or mental illness, or
  - (c) that he is otherwise unable or unfit to discharge his functions as the Commissioner.

## **268 Remuneration, pension, &c.**

- (1) There shall be paid to the Commissioner such remuneration, and such travelling and other allowances, as the Secretary of State may determine.
- (2) If the Secretary of State so determines in the case of any holder of the office of Commissioner, there shall be paid such pension, allowance or gratuity to or in respect of him on his retirement or death, or such contributions or payments towards provision for such a pension, allowance or gratuity as may be so determined.
- (3) If, when a person ceases to hold office as the Commissioner, the Secretary of State determines that there are special circumstances which make it right that he should receive compensation, there may be paid to him a sum by way of compensation of such amount as may be so determined.
- (4) Payments required to be made under this section shall be made by the Secretary of State
- (5) The consent of the Treasury is required for the making of a determination under this section.

## **269 Staff of the Commissioner.**

- (1) The Commissioner may appoint such staff as he may determine, with the approval of the Secretary of State as to numbers and terms and conditions of service.

The consent of the Treasury is required for the giving of an approval under this subsection.

- (2) Employment as a member of the staff of the Commissioner is one of the kinds of employment to which a superannuation scheme under section 1 of the <sup>M1</sup>Superannuation Act 1972 may apply.
- (3) Where a person who is a participant in a scheme under section 1 of that Act by reference to his employment by the Commissioner becomes the Commissioner, the Treasury may determine that his service as the Commissioner shall be treated for the purposes of the scheme as service as an employee of the Commissioner; and his rights under the scheme shall not be affected by the preceding provisions of this Part.

*Status: Point in time view as at 16/10/1992.*

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- (4) The Commissioner is not required to effect insurance under the <sup>M2</sup>Employers' Liability (Compulsory Insurance) Act 1969.

**Marginal Citations**

**M1** 1972 c.11.

**M2** 1969 c. 57.

**270 Financial provisions.**

- (1) The Commissioner may, with the approval of the Secretary of State, make such provision as he considers appropriate for the payment by him to those who apply for assistance of sums in respect of travelling and other expenses incurred by them in connection with their applications.
- (2) The Secretary of State shall pay to the Commissioner such sums as he may determine are required by the Commissioner for the purpose of carrying out his functions.
- (3) The consent of the Treasury is required for the giving of an approval under subsection (1) or the making of a determination under subsection (2).

**271 Annual report and accounts.**

- (1) As soon as reasonably practicable after the end of a financial year the Commissioner shall prepare a report on his activities during that year and shall send a copy of it to the Secretary of State.

The Secretary of State shall lay a copy of the report before each House of Parliament.

- (2) The Commissioner shall keep proper accounts and proper records in relation to the accounts, and shall prepare in respect of each financial year a statement of accounts in such form as the Secretary of State may, with the approval of the Treasury, direct.
- (3) The Commissioner shall, not later than 30th November following the end of the financial year to which the statement relates, send copies of the statement to the Secretary of State and to the Comptroller and Auditor General.
- (4) The Comptroller and Auditor General shall examine, certify and report on each such statement and shall lay a copy of the statement and of his report before each House of Parliament.

**Status:**

Point in time view as at 16/10/1992.

**Changes to legislation:**

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