

Status: Point in time view as at 08/12/2021.

Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Cross Heading: Enforcement of paragraphs 2 and 3 by Certification Officer is up to date with all changes known to be in force on or before 02 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)

SCHEDULES

[^{F1}SCHEDULE A3

CERTIFICATION OFFICER: INVESTIGATORY POWERS

Textual Amendments

- F1** Sch. A3 inserted (8.12.2021 for specified purposes) by Trade Union Act 2016 (c. 15), s. 25(1), Sch. 1; S.I. 2021/1373, reg. 3(a)

Enforcement of paragraphs 2 and 3 by Certification Officer

- 5 (1) Where the Certification Officer is satisfied that a trade union or any other person has failed to comply with any requirement imposed under paragraph 2 or 3, the Officer may make an order requiring the trade union or person to comply with the requirement.
- (2) Before making such an order, the Certification Officer must give the trade union or person an opportunity to be heard.
- (3) In the case of a failure to comply with a requirement imposed under paragraph 2 or 3 to produce a document, the Certification Officer may make an order only if the Officer is satisfied that—
- (a) the document is in the possession of the union or person, and
 - (b) it is reasonably practicable for the union or person to comply with the requirement.
- (4) In the case of a failure to comply with any other requirement imposed under paragraph 2 or 3, the Certification Officer may make an order only if the Officer is satisfied that it is reasonably practicable for the union or person to comply with the requirement.
- (5) The order must specify—
- (a) the requirement with which the trade union or person has failed to comply, and
 - (b) the date by which the trade union or person must comply.
- (6) An order made by the Certification Officer under this paragraph may be enforced by the Officer in the same way as an order of the High Court or the Court of Session.]

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