



Trade Union and Labour Relations (Consolidation) Act 1992

1992 CHAPTER 52

PART I

TRADE UNIONS

CHAPTER VII

AMALGAMATIONS AND SIMILAR MATTERS

Amalgamation or transfer of engagements

103 Complaints as regards passing of resolution.

[^{F1}(1) A member of a trade union who claims that the union—
(a) has failed to comply with any of the requirements of sections 99 to 100E, or
(b) has, in connection with a resolution approving an instrument of amalgamation or transfer, failed to comply with any rule of the union relating to the passing of the resolution,
may complain to the Certification Officer.]

(2) Any complaint must be made before the end of the period of six weeks beginning with the date on which an application for registration of the instrument of amalgamation or transfer is sent to the Certification Officer.

Where a complaint is made, the Certification Officer shall not register the instrument before the complaint is finally determined or is withdrawn.

[^{F2}(2A) On a complaint being made to him the Certification Officer shall make such enquiries as he thinks fit.]

Status: Point in time view as at 06/04/2005. This version of this provision has been superseded.

Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Section 103 is up to date with all changes known to be in force on or before 25 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)

- (3) If the Certification Officer, after giving the complainant and the trade union an opportunity of being heard, finds the complaint to be justified—
- (a) he shall make a declaration to that effect, and
 - (b) he may make an order specifying the steps which must be taken before he will entertain any application to register the instrument of amalgamation or transfer;
- and where he makes such an order, he shall not entertain any application to register the instrument unless he is satisfied that the steps specified in the order have been taken. An order under this subsection may be varied by the Certification Officer by a further order.
- (4) The Certification Officer shall furnish a statement, orally or in writing, of the reasons for his decision on a complaint under this section.
- (5) The validity of a resolution approving an instrument of amalgamation or transfer shall not be questioned in any legal proceedings whatsoever (except proceedings before the Certification Officer under this section or proceedings arising out of such proceedings) on any ground on which a complaint could be, or could have been, made to the Certification Officer under this section.
- [^{F3}(6) Where the Certification Officer 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.
- ^{F3}(7) A declaration made by the Certification Officer under this section may be relied on as if it were a declaration made by the court.
- ^{F3}(8) Where an order has been made under this section, 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 [^{F4}complaint] on which the order was made.
- ^{F3}(9) An order made by the Certification Officer under this section may be enforced in the same way as an order of the court.]

Textual Amendments

- F1** S. 103(1) substituted (30.8.1993) by 1993 c. 19, s. 49(2), **Sch. 8 para. 56**; S.I. 1993/1908, art. 2(1), **Sch. 1**
- F2** S. 103(2A) inserted (25.10.1999) by 1999 c. 26, s. 29, Sch. 6 paras. 1, **18(1)(2)**; S.I. 1999/2830, art. 2(1), **Sch. 1 Pt. 1** (with Sch. 3 para. 5)
- F3** S. 103(6)-(9) inserted (25.10.1999) by 1999 c. 26, s. 29, Sch. 6 paras. 1, **18(3)**; S.I. 1999/2830, art. 2(1), **Sch. 1 Pt. 1** (with Sch. 3 para. 5)
- F4** Word in s. 103(8) substituted (6.4.2005) by Employment Relations Act 2004 (c. 24), ss. 57(1), 59(2)-(4), **Sch. 1 para. 7**; S.I. 2005/872, **art. 4** (with arts. 6-21)

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