



# Trade Union and Labour Relations (Consolidation) Act 1992

## 1992 CHAPTER 52

### PART I

#### TRADE UNIONS

#### CHAPTER V

##### RIGHTS OF TRADE UNION MEMBERS

##### *Right to a ballot before industrial action*

#### **62 Right to a ballot before industrial action.**

- (1) A member of a trade union who claims that members of the union, including himself, are likely to be or have been induced by the union to take part or to continue to take part in industrial action which does not have the support of a ballot may apply to the court for an order under this section.

[<sup>F1</sup>In this section “the relevant time” means the time when the application is made.]

- (2) For this purpose industrial action shall be regarded as having the support of a ballot only if—

[<sup>F2F3</sup>(a) the union has held a ballot in respect of the action—

- (i) in relation to which the requirements of section 226B so far as applicable before and during the holding of the ballot were satisfied,
- (ii) in relation to which the requirements of sections 227 to 231 were satisfied, and
- (iii) in which the majority voting in the ballot answered “Yes” to the question applicable in accordance with section 229(2) to industrial

---

*Status: Point in time view as at 06/04/2005. This version of this provision has been superseded.*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 62 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)*

---

action of the kind which the applicant has been or is likely to be induced to take part in;

- (b) such of the requirements of the following sections as have fallen to be satisfied at the relevant time have been satisfied, namely—
  - (i) section 226B so far as applicable after the holding of the ballot, and
  - (ii) section 231B; <sup>F4</sup> . . .
- [ section 232A does not prevent the industrial action from being regarded as <sup>F2</sup>(bb) having the support of the ballot; and]
- (c) the requirements of section 233 (calling of industrial action with support of ballot) are satisfied.

Any reference in this subsection to a requirement of a provision which is disapplied or modified by section 232 has effect subject to that section.]

- (3) Where on an application under this section the court is satisfied that the claim is well-founded, it shall make such order as it considers appropriate for requiring the union to take steps for ensuring—
  - (a) that there is no, or no further, inducement of members of the union to take part or to continue to take part in the industrial action to which the application relates, and
  - (b) that no member engages in conduct after the making of the order by virtue of having been induced before the making of the order to take part or continue to take part in the action.
- (4) 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.
- (5) For the purposes of this section an act shall be taken to be done by a trade union if it is authorised or endorsed by the union; and the provisions of section 20(2) to (4) apply for the purpose of determining whether an act is to be taken to be so authorised or endorsed.

Those provisions also apply in relation to proceedings for failure to comply with an order under this section as they apply in relation to the original proceedings.

- (6) In this section—
  - “inducement” includes an inducement which is or would be ineffective, whether because of the member’s unwillingness to be influenced by it or for any other reason; and
  - “industrial action” means a strike or other industrial action by persons employed under contracts of employment.
- (7) Where a person holds any office or employment under the Crown on terms which do not constitute a contract of employment between that person and the Crown, those terms shall nevertheless be deemed to constitute such a contract for the purposes of this section.
- (8) References in this section to a contract of employment include any contract under which one person personally does work or performs services for another; and related expressions shall be construed accordingly.
- (9) Nothing in this section shall be construed as requiring a trade union to hold separate ballots for the purposes of this section and sections 226 to 234 (requirement of ballot before action by trade union).

---

*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 62 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)*

---

#### Textual Amendments

- F1** Words in s. 62(1) inserted (30.8.1993) by 1993 c. 19, s. 49(2), **Sch. 8 para. 47(a)**; S.I. 1993/1908, art. 2(1), **Sch. 1**
- F2** S. 62(2)(bb) inserted (6.4.2005) by Employment Relations Act 2004 (c. 24), **ss. 24(2)**, 59(2)-(4); S.I. 2005/872, **art. 4**, Sch. (with arts. 6-21)
- F3** S. 62(2)(a)-(c) and proviso substituted (30.8.1993) for 62(2)(a)-(c) by 1993 c. 19, s. 49(2), **Sch. 8 para. 47(b)**; S.I. 1993/1908, art. 2(1), **Sch.1**
- F4** Word in s. 62(2)(b) repealed (6.4.2005) by Employment Relations Act 2004 (c. 24), **ss. 24(2)**, 57(2), 59(2)-(4), **Sch. 2**; S.I. 2005/872, **art. 4**, Sch. (with arts. 6-21)

**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 62 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.