



# Trade Union Act 2016

## 2016 CHAPTER 15

### *Information requirements relating to industrial action*

#### **5 Information to be included on voting paper**

- (1) In section 229 of the 1992 Act (voting paper), after subsection (2A) insert—
- “(2B) The voting paper must include a summary of the matter or matters in issue in the trade dispute to which the proposed industrial action relates.
- (2C) Where the voting paper contains a question about taking part in industrial action short of a strike, the type or types of industrial action must be specified (either in the question itself or elsewhere on the voting paper).
- (2D) The voting paper must indicate the period or periods within which the industrial action or, as the case may be, each type of industrial action is expected to take place.”
- (2) Subsection (1) does not apply to any ballot opened before the day on which this section comes into force.

For this purpose a ballot is “opened” on the first day when a voting paper is sent to any person entitled to vote in the ballot.

#### **6 Information to members etc about result of ballot**

- (1) In section 231 of the 1992 Act (information as to result of ballot), for the words after “all persons entitled to vote in the ballot” substitute “are told—
- (a) the number of individuals who were entitled to vote in the ballot,
  - (b) the number of votes cast in the ballot,
  - (c) the number of individuals answering “Yes” to the question, or as the case may be, to each question,
  - (d) the number of individuals answering “No” to the question, or as the case may be, to each question,
  - (e) the number of spoiled or otherwise invalid voting papers returned,

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*Status: This is the original version (as it was originally enacted).*

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- (f) whether or not the number of votes cast in the ballot is at least 50% of the number of individuals who were entitled to vote in the ballot, and
- (g) where section 226(2B) applies, whether or not the number of individuals answering “Yes” to the question (or each question) is at least 40% of the number of individuals who were entitled to vote in the ballot.”

- (2) Subsection (1) does not apply to any ballot opened before the day on which this section comes into force.

For this purpose a ballot is “opened” on the first day when a voting paper is sent to any person entitled to vote in the ballot.

## 7 Information to Certification Officer about industrial action etc

- (1) After section 32 of the 1992 Act (annual return) insert—

### “32ZA Details of industrial action etc to be included in annual return

- (1) If industrial action was taken during any return period in response to any inducement on the part of a trade union, the union’s return under section 32 for that period shall set out—
    - (a) the nature of the trade dispute to which the industrial action related;
    - (b) the nature of the industrial action;
    - (c) when the industrial action was taken.
  - (2) If a trade union held a ballot during any return period in respect of industrial action, the union’s return under section 32 for that period shall contain the information mentioned in section 231 (information as to result of ballot).
  - (3) In this section “return period” means a period for which a trade union is required to send a return to the Certification Officer under section 32.”
- (2) Subsection (1) applies only to returns for periods that begin after the day on which this section comes into force.