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**Changes to legislation:** There are currently no known outstanding effects for the Trade Union Act 2016, Cross Heading: Ballots on amalgamations or transfers. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 2

#### CERTIFICATION OFFICER: EXERCISE OF POWERS WITHOUT APPLICATION ETC

##### *Ballots on amalgamations or transfers*

- 8 (1) Section 103 of the 1992 Act (complaints as to passing of resolution) is amended as follows.
- (2) In the heading, for “Complaints” substitute “ Powers of Certification Officer ”.
- (3) In subsection (1), for “Officer.” substitute “ Officer; but the Officer may also exercise the powers under this section where no complaint under this section is made. ”
- (4) Omit subsection (2A).
- (5) In subsection (3), for the words before paragraph (a) substitute “ Where the Certification Officer is satisfied that there has been a failure such as is mentioned in paragraph (a) or (b) of subsection (1)— ”.
- (6) After that subsection insert—
- “(3A) Before deciding the matter the Certification Officer—
- (a) may make such enquiries as the Officer thinks fit,
- (b) must give the union and the complainant (if any) an opportunity to make written representations, and
- (c) may give the union and the complainant (if any) an opportunity to make oral representations.”
- (7) In subsection (4) omit “on a complaint”.
- (8) In subsection (6) omit “of the application”.
- (9) In subsection (8), for “the complaint on which the order was made” substitute “ a complaint under this section ”.

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#### **Commencement Information**

**II** Sch. 2 para. 8 in force at 1.4.2022 by S.I. 2021/1373, reg. 4(b) (with reg. 14)

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