
Changes to legislation: There are currently no known outstanding effects for the Trade Union Act 2016, Cross Heading: Compliance with political ballot rules. (See end of Document for details)

SCHEDULES

SCHEDULE 2

CERTIFICATION OFFICER: EXERCISE OF POWERS WITHOUT APPLICATION ETC

Compliance with political ballot rules

- 5 (1) Section 79 of the 1992 Act (remedy for failure to comply with ballot rules: general) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) A person alleging that a trade union—
- (a) has held a ballot on a political resolution otherwise than in accordance with political ballot rules approved by the Certification Officer, or
- (b) has failed in relation to a proposed ballot on a political resolution to comply with political ballot rules so approved,
- may apply for a declaration under section 80 (by the Certification Officer) or section 81 (by the court); but the Certification Officer may also exercise the powers under section 80 where no application is made.”
- (3) In subsection (2), for “those sections” substitute “ section 80 or 81 ”.

Commencement Information

II Sch. 2 para. 5 in force at 1.4.2022 by S.I. 2021/1373, reg. 4(b) (with reg. 11)

- 6 (1) Section 80 of the 1992 Act (application to Certification Officer) is amended as follows.
- (2) In the heading, for “Application to” substitute “ Powers of ”.
- (3) For subsections (1) and (2) substitute—
- “(1) Where the Certification Officer is satisfied, either on an application by a person having a sufficient interest (see section 79(2)) or without any such application having been made, that a trade union—
- (a) has held a ballot on a political resolution otherwise than in accordance with political ballot rules approved by the Certification Officer, or
- (b) has failed in relation to a proposed ballot on a political resolution to comply with political ballot rules so approved,
- the Officer may make a declaration to that effect.
- (2) Before deciding the matter the Certification Officer—
- (a) may make such enquiries as the Officer thinks fit,

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- (b) must give the union and the applicant (if any) an opportunity to make written representations, and
 - (c) may give the union and the applicant (if any) an opportunity to make oral representations.”
- (4) In subsection (5C), for “the application on which the order was made” substitute “an application under this section”.
- (5) In subsection (7) omit “of the application”.

Commencement Information

12 Sch. 2 para. 6 in force at 1.4.2022 by S.I. 2021/1373, reg. 4(b) (with reg. 12)

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