

2022 No. 246

TRADE UNIONS

**The Certification Officer (Amendment of Fees) Regulations
2022**

<i>Made</i>	- - - -	<i>8th March 2022</i>
<i>Laid before Parliament</i>		<i>9th March 2022</i>
<i>Coming into force</i>		<i>1st April 2022</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 108 and section 293 of the Trade Union and Labour Relations (Consolidation) Act 1992(a).

Regulation 4 and, to the extent that it revokes regulation 8 of the Certification Officer (Amendment of Fees) Regulations 2005(b), regulation 8 are made with the approval of the Treasury.

Citation, commencement and extent

- 1.—(1) These Regulations may be cited as the Certification Officer (Amendment of Fees) Regulations 2022.
- (2) These Regulations come into force on 1st April 2022.
- (3) These Regulations extend to England and Wales and Scotland only.

Interpretation

2. In these Regulations—
 - “the Principal Regulations” means the Trade Unions and Employers’ Associations (Amalgamations, etc) Regulations 1975(c);
 - “the 1992 Act” means the Trade Union and Labour Relations (Consolidation) Act 1992.

Amendment of fees payable to the Certification Officer

3. In paragraph (1) of regulation 3 of the Principal Regulations (approval of proposed instruments and notices), omit the words “by the fee prescribed by Regulation 11(1)”.
4. Regulation 11 and regulation 12 of the Principal Regulations (Fees) are omitted.

(a) 1992 c. 52.
(b) S.I. 2005/713.
(c) S.I. 1975/536; relevant amending instruments are S.I. 1978/1344, 1988/310 and 2005/713.

5. The fee of £519 is prescribed for the purposes of section 3(2) of the 1992 Act (fee on application by an organisation of workers to have its name entered in the list of trade unions).

6. The fee of £519 is prescribed for the purposes of section 124(2) of the 1992 Act (fee on application by an organisation of employers to have its name entered in the list of employers' associations).

7. The fee of £997 is prescribed for the purposes of section 6(1) of the 1992 Act (fee on application by a trade union for a certificate of independence).

8. The Certification Officer (Amendment of Fees) Regulations 2005 are revoked.

8th March 2022

Paul Scully
Minister for Small Business, Consumers and Labour Markets
Department for Business, Energy & Industrial Strategy

We approve regulation 4 and, to the extent that it revokes regulation 8 of the Certification Officer (Amendment of Fees) Regulations 2005, regulation 8.

8th March 2022

Amanda Solloway
Rebecca Harris
Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 1st April 2022, prescribe the fees payable to the Certification Officer in respect of her functions in relation to trade unions and employers' associations. The amendments also reflect the revocation of certain fees, including all those previously set out in the Trade Unions and Employers' Associations (Amalgamations, etc) Regulations 1975, where the related costs incurred by the Certification Officer are intended to be subsumed by the levy payable to the Certification Officer under the Trade Union (Levy Payable to the Certification Officer) Regulations 2022 ("the Levy Regulations"), also coming into force on 1st April 2022. The fees are varied or set as follows—

- the fee payable on application for approval of a proposed instrument of amalgamation or transfer (formerly £1850) is revoked as the related costs are intended to be subsumed by the levy payable to the Certification Officer in accordance with the Levy Regulations (regulation 4);
- the fee payable on an application for approval of a change of name (formerly £96) is revoked as the related costs are intended to be subsumed by the levy payable to the Certification Officer in accordance with the Levy Regulations (regulation 4);
- the fee for an inspection of documents kept by the Certification Officer in respect of amalgamations or transfers of engagements (formerly £19) is revoked as the related costs are intended to be subsumed by the levy payable to the Certification Officer in accordance with the Levy Regulations (regulation 4);
- the fee for the entry of the name of an amalgamated organisation in the lists maintained by the Certification Officer where the name of each of the amalgamating organisations is already so entered (formerly £41) is revoked as the related costs are intended to be subsumed by the levy payable to the Certification Officer in accordance with the Levy Regulations (regulation 4);
- the fee on application by an organisation of workers to have its name entered in the list of trade unions maintained by the Certification Officer is increased from £150 to £519 (regulation 5);

- the fee on application by an organisation of employers to have its name entered in the list of employers' associations maintained by the Certification Officer is increased from £150 to £519 (regulation 6);
- the fee payable on an application by a trade union for a certificate of independence is reduced from £4066 to £997 (regulation 7);
- the fee payable by an amalgamated trade union for the issue of a certificate of independence where each amalgamating union had such a certificate (formerly £41) is revoked as the related costs are intended to be subsumed by the levy payable to the Certification Officer in accordance with the Levy Regulations. This is an effect of the revocation of the Certification Officer (Amendment of Fees) Regulations 2005, which provided for the former fee at regulation 8 (regulation 8).

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