



Trade Union and Labour Relations (Consolidation) Act 1992

1992 CHAPTER 52

PART V

INDUSTRIAL ACTION

Requirement of ballot before action by trade union

234 Period after which ballot ceases to be effective.

[^{F1}(1) Subject to the following provisions, a ballot ceases to be effective for the purposes of section 233(3)(b) in relation to industrial action by members of a trade union at the end of the period, beginning with the date of the ballot—

- (a) of four weeks, or
- (b) of such longer duration not exceeding eight weeks as is agreed between the union and the members' employer.]

(2) Where for the whole or part of that period the calling or organising of industrial action is prohibited—

- (a) by virtue of a court order which subsequently lapses or is discharged, recalled or set aside, or
- (b) by virtue of an undertaking given to a court by any person from which he is subsequently released or by which he ceases to be bound,

the trade union may apply to the court for an order that the period during which the prohibition had effect shall not count towards the period referred to in subsection (1).

(3) The application must be made forthwith upon the prohibition ceasing to have effect—

- (a) to the court by virtue of whose decision it ceases to have effect, or
- (b) where an order lapses or an undertaking ceases to bind without any such decision, to the court by which the order was made or to which the undertaking was given;

Status: Point in time view as at 01/02/2004. This version of this provision has been superseded.

Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Section 234 is up to date with all changes known to be in force on or before 08 September 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)

and no application may be made after the end of the period of eight weeks beginning with the date of the ballot.

- (4) The court shall not make an order if it appears to the court—
- (a) that the result of the ballot no longer represents the views of the union members concerned, or
 - (b) that an event is likely to occur as a result of which those members would vote against industrial action if another ballot were to be held.
- (5) No appeal lies from the decision of the court to make or refuse an order under this section.
- (6) The period between the making of an application under this section and its determination does not count towards the period referred to in subsection (1).

But a ballot shall not by virtue of this subsection (together with any order of the court) be regarded as effective for the purposes of section 233(3)(b) after the end of the period of twelve weeks beginning with the date of the ballot.

Textual Amendments

- F1** S. 234(1) substituted (18.9.2000) by 1999 c. 26, s. 4, Sch. 3 paras. 1, 10; S.I. 2000/2242, art. 2(2)
(with transitional provisions in art. 4)

Modifications etc. (not altering text)

- C1** S. 234 applied (14.8.2000) by S.I. 2000/1828, art. 2(5)(c)

Status:

Point in time view as at 01/02/2004. This version of this provision has been superseded.

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