
Changes to legislation: There are currently no known outstanding effects for the Employment Relations Act 1999, Cross Heading: Application of funds for political objects. (See end of Document for details)

SCHEDULES

SCHEDULE 6

THE CERTIFICATION OFFICER

Application of funds for political objects

13 After section 72 there shall be inserted—

“72A Application of funds in breach of section 71.

- (1) A person who is a member of a trade union and who claims that it has applied its funds in breach of section 71 may apply to the Certification Officer for a declaration that it has done so.
- (2) On an application under this section the Certification Officer—
 - (a) shall make such enquiries as he thinks fit,
 - (b) shall give the applicant and the union an opportunity to be heard,
 - (c) shall ensure that, so far as is reasonably practicable, the application is determined within six months of being made,
 - (d) may make or refuse the declaration asked for,
 - (e) shall, whether he makes or refuses the declaration, give reasons for his decision in writing, and
 - (f) may make written observations on any matter arising from, or connected with, the proceedings.
- (3) If he makes a declaration he shall specify in it—
 - (a) the provisions of section 71 breached, and
 - (b) the amount of the funds applied in breach.
- (4) If he makes a declaration and is satisfied that the union has taken or agreed to take steps with a view to—
 - (a) remedying the declared breach, or
 - (b) securing that a breach of the same or any similar kind does not occur in future,he shall specify those steps in making the declaration.
- (5) If he makes a declaration he may make such order for remedying the breach as he thinks just under the circumstances.
- (6) Where the Certification Officer requests a person to furnish information to him in connection with enquiries made by him under this section, he shall specify the date by which that information is to be furnished and, unless he considers that it would be inappropriate to do so, shall proceed with his determination of the application notwithstanding that the information has not been furnished to him by the specified date.

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- (7) A declaration made by the Certification Officer under this section may be relied on as if it were a declaration made by the court.
- (8) Where an order has been made under this section, any person who is a member of the union and was a member at the time it was made is entitled to enforce obedience to the order as if he had made the application on which the order was made.
- (9) An order made by the Certification Officer under this section may be enforced in the same way as an order of the court.
- (10) If a person applies to the Certification Officer under this section in relation to an alleged breach he may not apply to the court in relation to the breach; but nothing in this subsection shall prevent such a person from exercising any right to appeal against or challenge the Certification Officer’s decision on the application to him.
- (11) If—
 - (a) a person applies to the court in relation to an alleged breach, and
 - (b) the breach is one in relation to which he could have made an application to the Certification Officer under this section,he may not apply to the Certification Officer under this section in relation to the breach.”

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