



Trade Union (Amalgamations, etc.) Act 1964

1964 CHAPTER 24

An Act to amend the law relating to the amalgamation of trade unions, the transfer of engagements from one trade union to another, and the alteration of the name of a trade union.
[25th March 1964]

Commencement Information

II Act wholly in force at 1. 7. 1964 see [s. 11](#).

1 Conditions necessary for amalgamations and transfers of engagements of trade unions.

(1) Subject to this section—

- (a) two or more trade unions may amalgamate and become one trade union, with or without a division or dissolution of the funds of any one or more of those unions, but shall not do so unless, in the case of each of the amalgamating unions, a resolution which approves an instrument of amalgamation approved by the [^{F1}Certification Officer] has been passed on a vote taken in a manner which satisfies the conditions specified in subsection (2) of this section;
- (b) a trade union may transfer its engagements to any other trade union which undertakes to fulfil those engagements, but shall not do so unless, in the case of the transferor union, a resolution which approves an instrument of transfer approved by the [^{F1}Certification Officer] has been passed on a vote taken in a manner which satisfies the said conditions.

[^{F2}(1A) Subject to any express provision of this Act with respect to employers' associations, this Act shall apply, with the necessary modifications, in relation to unincorporated employers' associations as it applies in relation to trade unions.]

- (2) The conditions referred to in the foregoing subsection are the following, that is—
- (a) every member of the union must be entitled to vote on the resolution;

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- (b) every member of the union must be allowed to vote without interference or constraint and must, so far as is reasonably possible, be given a fair opportunity of voting;
 - (c) The method of voting must involve the marking of a voting paper by the person voting;
 - (d) all reasonable steps must have been taken by the union to secure that, not less than seven days before voting on the resolution begins, every member of the union is supplied with a notice in writing approved for the purpose by the [F1Certification Officer].
- (3) The notice referred to in subsection (2)(d) of this section—
- (a) shall either set out in full the instrument of amalgamation or transfer to which the resolution relates, or give an account of it sufficient to enable those receiving the notice to form a reasonable judgment of the main effects of the proposed amalgamation or transfer; and
 - (b) if it does not set out the instrument in full, shall state where copies of the instrument may be inspected by those receiving the notice;
- and both the instrument and the notice shall comply with the requirements of any regulations for the time being in force under this Act.
- (4) Before a resolution to approve an instrument of amalgamation or transfer is voted on by the members of a trade union—
- (a) that instrument, and
 - (b) the notice proposed to be supplied to members of the union in accordance with subsection (2)(d) of this section,
- shall be submitted to the [F1Certification Officer], and the [F1Certification Officer] shall approve them respectively on being satisfied that they comply with the requirements of subsection (3) of this section.
- (5) An instrument of amalgamation or transfer shall not take effect before it has been registered by the [F1Certification Officer] under this Act, and shall not be so registered before the expiration of a period of six weeks beginning with the date on which an application for its registration is sent to the [F1Certification Officer].
- (6) No such amalgamation or transfer as is mentioned in subsection (1) of this section shall prejudice any right of any creditor of any trade union party thereto.

Textual Amendments

- F1** Words substituted by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 16 Pt. IV para. 10\(2\)](#)
- F2** [S. 1\(1A\)](#) substituted (for s. 1(1A) inserted by [Industrial Relations Act 1971 \(c. 72\)](#), [Sch. 8](#)) by [Trade Union and Labour Relations Act 1974 \(c. 52\)](#), [Sch. 3 para. 10\(3\)](#)

2 Manner of voting on, and majority required for resolution.

- (1) Section 1 of this Act shall apply in relation to every amalgamation or transfer of engagements notwithstanding anything in the rules of any of the trade unions concerned or in the following provisions of this section.
- (2) For the purposes of the passing of a resolution to approve an instrument of amalgamation or transfer, the committee of management or other governing body of a trade union shall, unless the rules of that union expressly provide that this subsection

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shall not apply in relation to that union, have power, notwithstanding anything in the rules of the union, to arrange for a vote of the members of that union to be taken in any manner which that body think fit.

- (3) Where, in the case of a trade union, a vote is taken (whether under arrangements made under subsection (2) of this section or under provisions in the rules of the union) on a resolution to approve an instrument of amalgamation or transfer, a simple majority of the votes recorded shall be sufficient to pass the resolution, notwithstanding anything in the rules of the union and, in particular, notwithstanding anything in those rules which, but for this subsection, would require the resolution—

- (a) to be passed by a majority greater than a simple majority, or
- (b) to be voted on by not less than a specified proportion of the members of the union:

Provided that the foregoing provisions of this subsection shall not apply in the case of a union whose rules expressly provide that this subsection shall not apply in relation to that union.

3 Power to alter rules of transferee union for purposes of transfer of engagements.

Where a trade union proposes to transfer its engagements to another trade union, and an alteration of the rules of the transferee union is necessary to give effect to provisions in the instrument of transfer, the committee of management or other governing body of the transferee union shall, unless the rules of that union expressly provide that this section shall not apply in relation to that union, have power, notwithstanding anything in the rules of that union, by memorandum in writing to alter the rules of that union so far as is necessary to give effect to those provisions; but an alteration of the transferee union's rules under this section shall not take effect unless or until the instrument of transfer takes effect.

4 †Complaints to Registrar as regards passing of resolution.

- (1) A member of a trade union which passes or purports to pass a resolution approving an instrument of amalgamation or transfer may complain to the [F³Certification Officer] on one or more of the following grounds, that is—
- (a) that the manner in which the vote on the resolution was taken did not satisfy the conditions specified in section 1(2) of this Act; or
 - (b) where that vote was taken under arrangements made under section 2(2) of this Act, that the manner in which it was taken was not in accordance with the arrangements; or
 - (c) where that vote was taken under provisions in the rules of the union, that the manner in which it was taken was not in accordance with those rules; or
 - (d) That the votes recorded did not have the effect of passing the resolution.
- (2) A complaint under this section may be made at any time before, but shall not be made after, the expiration of a period of six weeks beginning with the date on which an application for registration of the instrument of amalgamation or transfer is sent to the [F³Certification Officer]; and where a complaint is made under this section, the [F³Certification Officer] shall not register the instrument under this Act before the complaint is finally determined.

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- (3) Where a complaint is made under this section the [^{F3}Certification Officer] may either dismiss it or, if after giving the complainant and the trade union an opportunity of being heard he finds the complaint to be justified, may either—
- (a) so declare, but make no order under this subsection thereon, or
 - (b) make an order specifying the steps which must be taken before he will entertain any application to register the instrument of amalgamation or transfer, as the case may be.
- (4) It shall be the duty of the [^{F3}Certification Officer] to furnish a statement, either written or oral, of the reasons for any decision which he gives on a complaint under this section.
- (5) The [^{F3}Certification Officer] may from time to time by order vary any order made under subsection (3) of this section, and after making an order under that subsection in relation to an instrument of amalgamation or transfer shall not entertain any application to register that instrument unless he is satisfied that the steps specified in the order (or, where the order has been varied, in the order as varied) have been taken.
- (6) ^{F4}
- (7) Subject to subsection (8) of this section, the validity of a resolution approving an instrument of amalgamation or transfer shall not be questioned in any legal proceedings whatsoever (except proceedings before the [^{F3}Certification Officer] under this section or any proceedings arising out of such proceedings) on any ground on which a complaint could be, or could have been, made to the [^{F3}Certification Officer] under this section.
- [^{F5}(8) An appeal shall lie, in accordance with [^{F6}section 136(2) of the ^{M1}Employment Protection (Consolidation) Act 1978], at the instance of the complainant or the trade union to the Employment Appeal Tribunal on any question of law arising in any proceedings before, or arising from any decision of, the Certification Officer under this section.]
- (9) It is hereby declared that the ^{M2}Arbitration Act 1950 does not apply to proceedings on a complaint under this section.
- (10) For the purposes of this section a complaint which is withdrawn shall be deemed to be finally determined at the time when it is withdrawn.
- (11) ^{F7}

Textual Amendments

- F3** Words substituted by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 16 Pt. IV para. 10\(2\)](#)
- F4** [S. 4\(6\)](#) repealed by [Employment Act 1988 \(c. 19, SIF 43:5\)](#), s. 33(2), [Sch. 4](#)
- F5** [S. 4\(8\)](#) substituted by [Trade Union and Labour Relations Act 1974 \(c. 52\)](#), [Sch. 3 para. 10\(3\)](#)
- F6** Words substituted by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), [Sch. 16 para. 5](#)
- F7** [S. 4\(11\)](#) repealed by [Industrial Relations Act 1971 \(c. 72\)](#), [Sch. 9](#)

Modifications etc. (not altering text)

- C1** Unreliable marginal note

Marginal Citations

- M1** [1978 c. 44.](#)

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M2 1950 c. 27.

5 Disposal of property on amalgamation or transfer.

- (1) Subject to this section, where an instrument of amalgamation or transfer takes effect, the property held—
 - (a) for the benefit of any of the amalgamating unions or for the benefit of a branch of any of those unions, by the trustees of the union or branch, or
 - (b) for the benefit of the transferor trade union or for the benefit of a branch of the transferor trade union, by the trustees of the union or branch,shall without any conveyance, assignment or assignation vest, on the instrument taking effect, or on the appointment of the appropriate trustees, whichever is the later, in the appropriate trustees.
- (2) The foregoing subsection shall not apply—
 - (a) to property excepted from the operation of this section by the instrument of amalgamation or transfer, or
 - (b) to stocks and securities in the public funds of the United Kingdom or Northern Ireland.
- (3) In this section “the appropriate trustees” means—
 - (a) in the case of any property to be held for the benefit of a branch of the amalgamated union or for the benefit of a branch of the transferee union, the trustees of that branch, unless the rules of the amalgamated or transferee union provide that the property to be so held shall be held by the trustees of the union, and
 - (b) in any other case, the trustees of the amalgamated or transferee union.
- (4) For the removal of doubt it is hereby declared that if, in the case of an amalgamation of two or more trade unions each qualified under section 3 of the ^{M3}Trade Union Act 1913 to operate such a fund as is mentioned in subsection (1)(a) of that section, the rules of the amalgamated union in force immediately after the amalgamation include such rules as are required by that section, that union is to be treated for the purposes of that section as having immediately after the amalgamation passed such a resolution as is mentioned in subsection (1) of that section, with power to rescind it under subsection (4) thereof.

Marginal Citations

M3 1913 c. 30 (2 & 3 Geo. 5).

6 Change of name of trade union.

- (1) Subject to this section a trade union may change its name by any method of doing so expressly provided for by its rules or, if its rules do not expressly provide for a method of doing so, by adopting in accordance with its rules an alteration of the provision in them which gives the union its name.
- ^{F8}(2) If the name of a trade union or employers’ association is for the time being entered in the list of trade unions or employers’ associations under section 8 of the ^{M4}Trade Union and Labour Relations Act 1974, a change of its name shall not take effect until approved by the ^{F9}[Certification Officer] under this Act; and the ^{F9}[Certification

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Officer] shall not approve a change of name if it appears to him that the proposed new name is the same as one entered in either list as the name of another trade union or employers' association or is a name so nearly resembling such a name as to be likely to deceive the public.]

- (3) Where a trade union changes its name, the change of name shall not affect any right or obligation of the union or any of its members, and any pending legal proceedings may be continued by or against the trustees of the union or of any other officer of the union who can sue or be sued on its behalf, notwithstanding its change of name.

Textual Amendments

- F8** S. 6(2) substituted by Trade Union and Labour Relations Act 1974 (c. 52), Sch. 3 para. 10(5)
F9 Words substituted by Employment Protection Act 1975 (c. 71), Sch. 16 Pt. IV para. 10(2)

Marginal Citations

- M4** 1974 c. 52.

7 Regulations.

- (1) [^{F10}The Secretary of State] may make regulations as respects—
- (a) applications to the [^{F11}Certification Officer] under this Act;
 - (b) the registration under this Act of any document or matter;
 - (c) the inspection of documents kept by the [^{F11}Certification Officer] . . . ^{F12} under this Act;
 - (d) the charging of fees in respect of such matters, and of such amounts, as may with the approval of the Treasury be prescribed by the regulations,
- and generally for carrying this Act into effect.
- (2) Regulations under this section may in particular—
- (a) require any application for the registration of an instrument of amalgamation or transfer or a change of name to be accompanied by such statutory declarations or other documents as may be specified in the regulations;
 - (b) make provision as to the form or content of any document required by this Act or by the regulations to be sent or submitted to the [^{F11}Certification Officer] and the manner in which any such document is to be signed or authenticated;
 - (c) authorise the [^{F11}Certification Officer] to require notice to be given or published in such manner as he may direct of the fact that an application for registration of an instrument of amalgamation or transfer has been or is to be made to him.
- (3) Regulations under this section may make different provision for different circumstances and, in particular, different provision with respect to cases where a Northern Ireland union is, and cases where a Northern Ireland union is not, party to an amalgamation or transfer of engagements.
- (4) Any regulations under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

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Subordinate Legislation Made

- P1** [S. 7](#): for previous exercises of power see index to Government Orders
[S. 7](#): power conferred by s. 7 exercised by [S.I. 1991/484](#)

Textual Amendments

- F10** Words substituted by virtue of [S.I. 1968/729](#), [arts. 2\(1\)](#), 3(2)
F11 Words substituted by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 16 Pt. IV para. 10\(2\)](#)
F12 Words repealed by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 18](#)

8 †Power of Registrar to delegate functions.

Anything which is required or authorised to be done by or to the [^{F13}Certification Officer] under this Act or under any regulations made thereunder may be done by or to any assistant registrar whom he may appoint for the purpose.

Textual Amendments

- F13** Words substituted by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 16 Pt. IV para. 10\(2\)](#)

Modifications etc. (not altering text)

- C2** Unreliable marginal note

9 Interpretation.

[^{F14}(1) In this Act, unless the context otherwise requires—

“amalgamating unions” and “amalgamated union”, in relation to a proposed amalgamation, mean respectively the trade unions proposing to amalgamate and the trade union which is to result from the proposed amalgamation;

^{F15}

[^{F16}“Certification Officer” means the officer appointed under section 7 of the ^{M5}Employment Protection Act 1975.]

“employers’ association” has the same meaning as in the ^{M6}Trade Union and Labour Relations Act 1974;

“Northern Ireland union” has the meaning assigned to it by section 10 of this Act;

^{F15}

“trade union” has the same meaning as in the ^{M7}Trade Union and Labour Relations Act 1974;

“transferor trade union” and “transferee trade union”, in relation to a proposed transfer of engagements, mean respectively the trade union proposing to transfer its engagements and the trade union proposing to accept them.]

- (2) References in this Act to any other enactment are references to that enactment as amended or applied by or under any other enactment.

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Textual Amendments

- F14** S. 9(1) substituted by [Trade Union and Labour Relations Act 1974 \(c. 52\)](#), **Sch. 3 para. 10(8)**
- F15** Definition repealed by [Employment Protection Act 1975 \(c. 71\)](#), **Sch. 18**
- F16** Definition inserted by [Employment Protection Act 1975 \(c. 71\)](#), **Sch. 16 Pt. IV para. 10(2)**

Marginal Citations

- M5** 1975 c. 71.
- M6** 1974 c. 52.
- M7** 1974 c. 52.

10 Provisions as to Northern Ireland.

- (1) This Act, . . . ^{F17}, shall not extend to Northern Ireland.
- (2) This Act shall have effect in relation to amalgamations and transfers of engagements to which both a trade union and a Northern Ireland union are parties subject to the modifications specified in Schedule 2 to this Act.
- (3) In so far as any provision of this Act is capable of applying, as part of the law of England and Wales or of Scotland, to persons or property in Northern Ireland, subsection (1) of this section shall not affect the operation of that provision, as part of that law, in relation to persons or property in Northern Ireland.
- (4) ^{F18}
- (5) In this Act “Northern Ireland union” means a trade union within the meaning of the enactments relating to trade unions in Northern Ireland, being either—
 - (a) a union which is, or for the purpose of any of those enactments is deemed to be, registered in Northern Ireland, or
 - (b) an unregistered union whose principal office is situated in Northern Ireland.
- (6) In this section “the enactments relating to trade unions in Northern Ireland” means all or any of the following enactments, that is to say, the Trade Union Acts 1871 to 1917, as for the time being in force in Northern Ireland, and any enactments of the Parliament of Northern Ireland (whether passed before or after the passing of this Act) whereby those Acts or any provisions thereof were or are amended or superseded.

Textual Amendments

- F17** Words repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), **Sch. 6 Pt. I**
- F18** S. 10(4) repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), **Sch. 6 Pt. I**

11 †Short title, citation, repeals, saving and commencement.

- (1) This Act may be cited as the Trade Union (Amalgamations, etc.) Act 1964, and may be cited together with the Trade Union Acts 1871 to 1913 as the Trade Union Acts 1871 to 1964.
- (2) ^{F19}

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- (4) This Act shall come into force on such date as the Minister of Labour may by order made by statutory instrument appoint, and different dates may be appointed under this subsection for different provisions of this Act or for different purposes.

Textual Amendments

F19 S. 11(2)(3), Sch. 3 repealed by [Statute Law \(Repeals\) Act 1969 \(c. 52\)](#), [Sch. Pt. VII](#)

Modifications etc. (not altering text)

C3 Unreliable marginal note

C4 1.7.1964 appointed under s. 11(4) by [S.I. 1964/878](#)

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SCHEDULES

SCHEDULE 1

. . . F20

Textual Amendments

F20 Sch. 1 repealed by [Employment Act 1988 \(c. 19, SIF 43:5\)](#), s. 33(2), [Sch. 4](#)

SCHEDULE 2

Section 10.

MODIFICATIONS OF ACT AS APPLYING TO AMALGAMATIONS AND TRANSFERS OF ENGAGEMENTS INVOLVING NORTHERN IRELAND UNIONS

- 1 Subject to this Schedule, any reference to a trade union (except in section 6) shall include a reference to a Northern Ireland union.
- 2
 - (1) The requirements of section 1 of this Act as to the approval of the instrument of amalgamation or transfer by a resolution of the trade union or trade unions concerned shall not apply to any Northern Ireland union, but the [^{F21}Certification Officer] shall not under section 1(5) of this Act register the instrument unless he is satisfied that the instrument will be effective under the law of Northern Ireland.
 - (2) In accordance with the foregoing sub-paragraph, nothing in section 2 or section 4 of this Act shall apply in relation to the passing of a resolution by a Northern Ireland union.

Textual Amendments

F21 Words substituted by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 16 Pt. IV para. 10\(2\)](#)

- 3 Nothing in section 3 of this Act shall apply in relation to the alteration of the rules of a Northern Ireland union.
- 4 Where an instrument of amalgamation or transfer is submitted to the [^{F22}Certification Officer] for his approval under section 1(4) of this Act, the [^{F22}Certification Officer] shall not give his approval unless the instrument states which of the bodies concerned is a Northern Ireland union, and, in the case of an instrument of amalgamation, shall

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not give his approval unless the instrument also states whether the resultant body is to be a trade union or a Northern Ireland union.

Textual Amendments

F22 Words substituted by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 16 Pt. IV para. 10\(2\)](#)

SCHEDULE

3.

F23

Textual Amendments

F23 [S. 11\(2\)\(3\)](#), [Sch. 3](#) repealed by [Statute Law \(Repeals\) Act 1969 \(c. 52\)](#), [Sch. Pt. VII](#)

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