



# Trade Union and Labour Relations (Consolidation) Act 1992

## 1992 CHAPTER 52

### PART I

#### TRADE UNIONS

#### CHAPTER III

#### TRADE UNION ADMINISTRATION

#### *Supplementary*

#### **43 Newly-formed trade unions**

- (1) The following provisions of this Chapter do not apply to a trade union which has been in existence for less than twelve months—
  - (a) section 27 (duty to supply copy of rules),
  - (b) sections 32 to 37 (annual return, accounts and audit), and
  - (c) sections 38 to 42 (members' superannuation schemes).
- (2) Sections 24 to 26 (register of members' names and addresses) do not apply to a trade union until more than one year has elapsed since its formation (by amalgamation or otherwise).

For this purpose the date of formation of a trade union formed otherwise than by amalgamation shall be taken to be the date on which the first members of the executive of the union are first appointed or elected.

**44 Discharge of duties in case of union having branches or sections**

- (1) The following provisions apply where a trade union consists of or includes branches or sections.
- (2) Any duty falling upon the union in relation to a branch or section under the provisions of—
  - section 28 (duty to keep accounting records),
  - sections 32 to 37 (annual return, accounts and audit), or
  - sections 38 to 42 (members' superannuation schemes),shall be treated as discharged to the extent to which a branch or section discharges it instead of the union.
- (3) In sections 29 to 31 (right of member to access to accounting records) references to a branch or section do not include a branch or section which is itself a trade union.
- (4) Any duty falling upon a branch or section by reason of its being a trade union under—
  - section 24 (register of members' names and addresses),
  - section 28 (duty to keep accounting records),
  - sections 32 to 37 (annual return, accounts and audit), or
  - section 38 to 42 (members' superannuation schemes),shall be treated as discharged to the extent to which the union of which it is a branch or section discharges the duty instead of it.

**45 Offences**

- (1) If a trade union refuses or wilfully neglects to perform a duty imposed on it by or under any of the provisions of—
  - section 27 (duty to supply copy of rules),
  - sections 28 to 30 (accounting records),
  - sections 32 to 37 (annual return, accounts and audit), or
  - sections 38 to 42 (members' superannuation schemes),it commits an offence.
- (2) The offence shall be deemed to have been also committed by—
  - (a) every officer of the trade union who is bound by the rules of the union to discharge on its behalf the duty breach of which constitutes the offence, or
  - (b) if there is no such officer, every member of the general committee of management of the union.
- (3) In any proceedings brought against an officer or member by virtue of subsection (2) in respect of a breach of duty, it is a defence for him to prove that he had reasonable cause to believe, and did believe, that some other person who was competent to discharge that duty was authorised to discharge it instead of him and had discharged it or would do so.
- (4) A person who wilfully alters or causes to be altered a document which is required for the purposes of any of the provisions mentioned in subsection (1), with intent to falsify the document or to enable a trade union to evade any of those provisions, commits an offence.
- (5) A person guilty of an offence under this section is liable on summary conviction—

- (a) in the case of an offence under subsection (1), to a fine not exceeding level 3 on the standard scale;
- (b) in the case of an offence under subsection (4), to a fine not exceeding level 5 on the standard scale.