



# Trade Union and Labour Relations (Consolidation) Act 1992

## 1992 CHAPTER 52

### PART I

#### TRADE UNIONS

#### CHAPTER IX

##### MISCELLANEOUS AND GENERAL PROVISIONS

##### *Exceptions and adaptations for certain bodies*

#### 117 Special register bodies.

- (1) In this section a “special register body” means an organisation whose name appeared in the special register maintained under section 84 of the <sup>M1</sup>Industrial Relations Act 1971 immediately before 16 September 1974, and which is a company registered under the <sup>M2</sup>Companies Act 1985 or is incorporated by charter or letters patent.
- (2) The provisions of this Part apply to special register bodies as to other trade unions, subject to the following exceptions and adaptations.
- (3) In Chapter II (status and property of trade unions)—
  - (a) in section 10 (quasi-corporate status of trade unions)—
    - (i) subsections (1) and (2) (prohibition on trade union being incorporated) do not apply, and
    - (ii) subsection (3) (prohibition on registration under certain Acts) does not apply so far as it relates to registration as a company under the <sup>M3</sup>Companies Act 1985;
  - (b) section 11 (exclusion of common law rules as to restraint of trade) applies to the purposes or rules of a special register body only so far as they relate to

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- the regulation of relations between employers or employers' associations and workers;
- (c) sections 12 to 14 (vesting of property in trustees; transfer of securities) do not apply; and
  - (d) in section 20 (liability of trade union in certain proceedings in tort) in subsection (7) the reference to the contract between a member and the other members shall be construed as a reference to the contract between a member and the body.
- (4) Sections 33 to 35 (appointment and removal of auditors) do not apply to a special register body which is registered as a company under the Companies Act 1985; and sections 36 and 37 (rights and duties of auditors) apply to the auditors appointed by such a body under Chapter V of Part XI of that Act.
- (5) Chapter IV (elections for certain union position) only applies to—
- (a) the position of voting member of the executive, and
  - (b) any position by virtue of which a person is a voting member of the executive.
- In this subsection “voting member of the executive” has the meaning given by section 46(5).

#### Marginal Citations

- M1** 1971 c. 72.
- M2** 1985 c. 6.
- M3** 1985 c. 6.

## 118 Federated trade unions.

- (1) In this section a “federated trade union” means a trade union which consists wholly or mainly of constituent or affiliated organisations, or representatives or such organisations, as described in paragraph (b) of the definition of “trade union” in section 1.
- (2) The provisions of this Part apply to federated trade unions subject to the following exceptions and adaptations.
- (3) For the purposes of section 22 (limit on amount of damages) as it applies to a federated trade union, the members of such of its constituent or affiliated organisations as have their head or main office in Great Britain shall be treated as members of the union.
- (4) The following provisions of Chapter III (trade union administration) do not apply to a federated trade union which consists wholly or mainly of representatives of constituent or affiliated organisations—
  - (a) section 27 (duty to supply copy of rules),
  - (b) section 28 (duty to keep accounting records),
  - (c) sections 32 to 37 (annual return, accounts and audit), and
  - (d) sections 38 to 42 (members' superannuation schemes).
- (5) Sections 29 to 31 (right of member to access to accounting records) do not apply to a federated trade union which has no members other than constituent or affiliated organisations or representatives of such organisations.

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- (6) Sections 24 to 26 (register of members' names and addresses) and Chapter IV (elections for certain trade union positions) do not apply to a federated trade union—
- (a) if it has no individual members other than representatives of constituent or affiliated organisations, or
  - (b) if its individual members (other than such representatives) are all merchant seamen and a majority of them are ordinarily resident outside the United Kingdom.

For this purpose “merchant seaman” means a person whose employment, or the greater part of it, is carried out on board sea-going ships.

- (7) The provisions of Chapter VI (application of funds for political objects) apply to a trade union which is in whole or part an association or combination of other unions as if the individual members of the component unions were members of that union and not of the component unions.

But nothing in that Chapter prevents a component union from collecting contributions on behalf of the association or combination from such of its members as are not exempt from the obligation to contribute to the political fund of the association or combination.

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