



# Trade Union and Labour Relations (Consolidation) Act 1992

## 1992 CHAPTER 52

### PART I

#### TRADE UNIONS

#### CHAPTER VI

##### APPLICATION OF FUNDS FOR POLITICAL OBJECTS

##### *Position where political resolution ceases to have effect*

#### **89 Administration of political fund where no resolution in force.**

- (1) The following provisions have effect with respect to the political fund of a trade union where there ceases to be any political resolution in force in relation to the union.
- (2) If the resolution ceases to have effect by reason of a ballot being held on which a new political resolution is not passed, the union may continue to make payments out of the fund as if the resolution had continued in force for six months beginning with the date of the ballot.

But no payment shall be made which causes the fund to be in deficit or increases a deficit in it.

- (3) There may be added to the fund only—
  - (a) contributions to the fund paid to the union (or to a person on its behalf) before the resolution ceased to have effect, and
  - (b) property which accrues to the fund in the course of administering the assets of the fund.

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**Changes to legislation:** Trade Union and Labour Relations (Consolidation) Act 1992, Cross Heading: Position where political resolution ceases to have effect is up to date with all changes known to be in force on or before 10 June 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) View outstanding changes

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- (4) The union may, notwithstanding any of its rules or any trusts on which the fund is held, transfer the whole or part of the fund to such other fund of the union as it thinks fit.
- (5) If a new political resolution is subsequently passed, no property held immediately before the date of the ballot by or on behalf of the union otherwise than in its political fund, and no sums representing such property, may be added to the fund.

## 90 Discontinuance of contributions to political fund.

- (1) Where there ceases to be any political resolution in force in relation to a trade union, the union shall take such steps as are necessary to ensure that the collection of contributions to its political fund is discontinued as soon as is reasonably practicable.
- (2) The union may, notwithstanding any of its rules, pay into any of its other funds any such contribution which is received by it after the resolution ceases to have effect.
- (3) If the union continues to collect contributions, it shall refund to a member who applies for a refund the contributions made by him collected after the resolution ceased to have effect.
- (4) A member of a trade union who claims that the union has failed to comply with subsection (1) may apply to the court for a declaration to that effect.
- (5) Where the court is satisfied that the complaint is well-founded, it may, if it considers it appropriate to do so in order to secure that the collection of contributions to the political fund is discontinued, make an order requiring the union to take, within such time as may be specified in the order, such steps as may be so specified.

Such an order may be enforced by a person who is a member of the union and was a member at the time the order was made as if he had made the application.

- (6) The remedy for failure to comply with subsection (1) is in accordance with subsections (4) and (5), and not otherwise; but this does not affect any right to recover sums payable to a person under subsection (3).

## 91 Rules to cease to have effect.

- (1) If there ceases to be any political resolution in force in relation to a trade union, the rules of the union made for the purpose of complying with this Chapter also cease to have effect, except so far as they are required to enable the political fund to be administered at a time when there is no such resolution in force.
- (2) If the resolution ceases to have effect by reason of a ballot being held on which a new political resolution is not passed, the rules cease to have effect at the end of the period of six months beginning with the date of the ballot.

In any other case the rules cease to have effect when the resolution ceases to have effect.

- (3) Nothing in this section affects the operation of section 82(2) (complaint to Certification Officer in respect of breach of rules) in relation to a breach of a rule occurring before the rule in question ceased to have effect.
- (4) <sup>F1</sup>A member of a trade union who has at any time not been a contributor to its political fund shall not for that reason— ]

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- (a) be excluded from any benefits of the union, or
- (b) be placed in any respect either directly or indirectly under a disability or at a disadvantage as compared with other members (except in relation to the control or management of the political fund).

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**Textual Amendments**

**F1** Words in s. 91(4) substituted (1.3.2017) by Trade Union Act 2016 (c. 15), s. 25(1), **Sch. 4 para. 8**; S.I. 2017/139, reg. 2(n)(i) (with reg. 4)

**Changes to legislation:**

Trade Union and Labour Relations (Consolidation) Act 1992, Cross Heading: Position where political resolution ceases to have effect is up to date with all changes known to be in force on or before 10 June 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.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 212A(1)(zb) inserted by [2023 c. 46 Sch. para. 1](#)