



Trade Union and Labour Relations (Consolidation) Act 1992

1992 CHAPTER 52

PART I

TRADE UNIONS

CHAPTER VI

APPLICATION OF FUNDS FOR POLITICAL OBJECTS

The political fund

82 Rules as to political fund.

- (1) The trade union's rules must provide—
- (a) that payments in the furtherance of the political objects to which this Chapter applies shall be made out of a separate fund (the “political fund” of the union);
 - [^{F1}(b) that a member of the union who is not a contributor (see section 84) shall not be under any obligation to contribute to the political fund;]
 - (c) that a member shall not by reason of [^{F2}not being a contributor] —
 - (i) be excluded from any benefits of the union, or
 - (ii) be placed in any respect either directly or indirectly under a disability or at a disadvantage as compared with other members of the union (except in relation to the control or management of the political fund);
 - [^{F3}(ca) that, if the union has a political fund, any form (including an electronic form) that a person has to complete in order to become a member of the union shall include—
 - (i) a statement to the effect that the person may opt to be a contributor to the fund, and
 - (ii) a statement setting out the effect of paragraph (c); and]

Status: Point in time view as at 08/12/2021. This version of this cross heading contains provisions that are prospective.

Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Cross Heading: The political fund is up to date with all changes known to be in force on or before 30 July 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)

- (d) that contribution to the political fund shall not be made a condition for admission to the union.
- (2) A member of a trade union who claims that he is aggrieved by a breach of any rule made in pursuance of this section may complain to the Certification Officer.
- [^{F5}(2A) Where the Certification Officer is satisfied that a breach has been committed, the Officer may make such order for remedying the breach as he thinks just under the circumstances.]

Textual Amendments

- F1** S. 82(1)(b) substituted (1.3.2017) by Trade Union Act 2016 (c. 15), s. 25(1), **Sch. 4 para. 6(2)**; S.I. 2017/139, reg. 2(n)(i) (with reg. 4)
- F2** Words in s. 82(1)(c) substituted (1.3.2017) by Trade Union Act 2016 (c. 15), s. 25(1), **Sch. 4 para. 6(3)**; S.I. 2017/139, reg. 2(n)(i) (with reg. 4)
- F3** S. 82(1)(ca) substituted (5.12.2016 for specified purposes, 1.3.2017 in so far as not already in force) by Trade Union Act 2016 (c. 15), **ss. 11(4), 25(1)** (with s. 11(5)); S.I. 2016/1170, reg. 2(b); S.I. 2017/139, reg. 2(i)
- F4** S. 82(2A) inserted (25.10.1999) by 1999 c. 26, s. 29, Sch. 6 paras. 1, **17(1)(2)**; S.I. 1999/2830, art. 2(1), **Sch. 1 Pt. I** (with Sch. 3 para. 5)
- F5** S. 82(2A)(3) substituted (8.12.2021 for specified purposes) by Trade Union Act 2016 (c. 15), s. 25(1), **Sch. 2 para. 7(3)**; S.I. 2021/1373, reg. 3(a)
- F6** S. 82(3A) inserted (25.10.1999) by 1999 c. 26, s. 29, Sch. 6 paras. 1, **17(1)(3)**; S.I. 1999/2830, art. 2(1), **Sch. 1 Pt. I** (with Sch. 3 para. 5)
- F7** S. 82(4A)(4(B) substituted for s. 82(4) (6.4.2005) by Employment Relations Act 2004 (c. 24), **ss. 57(1), 59(2)-(4), Sch. 1 para. 6**; S.I. 2005/872, **art. 4**, Sch. (with arts. 6-21)

83 Assets and liabilities of political fund.

- (1) There may be added to a union's political fund only—
- sums representing contributions made to the fund by members of the union or by any person other than the union itself, and
 - property which accrues to the fund in the course of administering the assets of the fund.
- (2) The rules of the union shall not be taken to require any member to contribute to the political fund at a time when there is no political resolution in force in relation to the union.
- (3) No liability of a union's political fund shall be discharged out of any other fund of the union.

This subsection applies notwithstanding any term or condition on which the liability was incurred or that an asset of the other fund has been charged in connection with the liability.

[^{F8}84 Contributions to political fund from members of the union

- (1) It is unlawful to require a member of a trade union to make a contribution to the political fund of a trade union if—
- the member has not given to the union notice of the member's willingness to contribute to that fund (an "opt-in notice"); or

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- (b) an opt-in notice given by the member has been withdrawn in accordance with subsection (2).
- (2) A member of a trade union who has given an opt-in notice may withdraw that notice by giving notice to the union (a “withdrawal notice”).
- (3) A withdrawal notice takes effect at the end of the period of one month beginning with the day on which it is given.
- (4) A member of a trade union may give an opt-in notice or a withdrawal notice—
- by delivering it (either personally or by an authorised agent or by post) at the head office or a branch office of the union;
 - by sending it by e-mail to an address that the union has told its members can be used for sending such notices;
 - by completing an electronic form provided by the union which sets out the notice, and sending it to the union by electronic means in accordance with instructions given by the union; or
 - by such other electronic means as may be prescribed.
- (5) In this Act “contributor”, in relation to the political fund of a trade union, means a member who has given to the union an opt-in notice that has not been withdrawn.]

Textual Amendments

- F8** S. 84 substituted (5.12.2016 for specified purposes, 1.3.2017 in so far as not already in force) by [Trade Union Act 2016 \(c. 15\)](#), **ss. 11(1), 25(1)** (with s. 11(5)); [S.I. 2016/1170, reg. 2\(b\)](#); [S.I. 2017/139, reg. 2\(i\)](#)

[^{F9}84A Information to members about contributing to political fund

- (1) A trade union shall take all reasonable steps to secure that, not later than the end of the period of eight weeks beginning with the day on which the annual return of the union is sent to the Certification Officer, all the members of the union are notified of their right to give a withdrawal notice under section 84(2).
- (2) The notification may be given —
- by sending individual copies of it to members; or
 - by any other means (whether by including the notification in a publication of the union or otherwise) which it is the practice of the union to use when information of general interest to all its members needs to be provided to them; and, in particular, the notification may be included with the statement required to be given by section 32A.
- (3) A trade union shall send to the Certification Officer a copy of the notification which is provided to its members in pursuance of this section as soon as is reasonably practicable after it is so provided.
- (4) Where the same form of notification is not provided to all the members of a trade union, the union shall send to the Certification Officer in accordance with subsection (3) a copy of each form of notification provided to any of them.

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- (5) Where the Certification Officer is satisfied that a trade union has failed to comply with a requirement of this section, the Officer may make such order for remedying the failure as he thinks just under the circumstances.
- (6) Before deciding the matter the Certification Officer—
- (a) may make such enquiries as the Officer thinks fit;
 - (b) must give the union, and any member of the union who made a complaint to the Officer regarding the matter, an opportunity to make written representations; and
 - (c) may give the union, and any such member as is mentioned in paragraph (b), an opportunity to make oral representations.]

Textual Amendments

- F9** S. 84A inserted (5.12.2016 for specified purposes, 1.3.2017 in so far as not already in force) by Trade Union Act 2016 (c. 15), ss. 11(2), 25(1) (with s. 11(5)); S.I. 2016/1170, reg. 2(b); S.I. 2017/139, reg. 2(i)

PROSPECTIVE

[^{F10}85 Manner of giving effect to section 84

- (1) A union that has a political fund must either—
- (a) make a separate levy of contributions to that fund from the members who are contributors, or
 - (b) relieve members who are not contributors from the payment of the appropriate portion of any periodical contribution required from members towards the expenses of the union.
- (2) In the latter case, the rules shall provide—
- (a) that relief shall be given as far as possible to all members who are not contributors on the occasion of the same periodical payment, and
 - (b) for enabling each member of the union to know what portion (if any) of any periodical contribution payable by the member is a contribution to the political fund.]

Textual Amendments

- F10** S. 85 substituted (5.12.2016 for specified purposes, 1.3.2017 in so far as not already in force) by Trade Union Act 2016 (c. 15), ss. 11(3), 25(1) (with s. 11(5)); S.I. 2016/1170, reg. 2(b); S.I. 2017/139, reg. 2(i)

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