



# Trade Union and Labour Relations (Consolidation) Act 1992

## 1992 CHAPTER 52

### PART I

#### TRADE UNIONS

#### [<sup>F1</sup>CHAPTER VIIA

#### BREACH OF RULES]

#### [<sup>F1</sup>108B Declarations and orders.

- (1) The Certification Officer may refuse to accept an application under section 108A unless he is satisfied that the applicant has taken all reasonable steps to resolve the claim by the use of any internal complaints procedure of the union.
- (2) If he accepts an application under section 108A the Certification Officer—
  - (a) shall make such enquiries as he thinks fit,
  - (b) shall give the applicant and the union an opportunity to be heard,
  - (c) shall ensure that, so far as is reasonably practicable, the application is determined within six months of being made,
  - (d) may make or refuse the declaration asked for, and
  - (e) shall, whether he makes or refuses the declaration, give reasons for his decision in writing.
- (3) Where the Certification Officer makes a declaration he shall also, unless he considers that to do so would be inappropriate, make an enforcement order, that is, an order imposing on the union one or both of the following requirements—
  - (a) to take such steps to remedy the breach, or withdraw the threat of a breach, as may be specified in the order;

*Status: Point in time view as at 01/04/2022.*

*Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Section 108B 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)*

- (b) to abstain from such acts as may be so specified with a view to securing that a breach or threat of the same or a similar kind does not occur in future.
- (4) The Certification Officer shall in an order imposing any such requirement as is mentioned in subsection (3)(a) specify the period within which the union is to comply with the requirement.
- (5) Where the Certification Officer requests a person to furnish information to him in connection with enquiries made by him under this section, he shall specify the date by which that information is to be furnished and, unless he considers that it would be inappropriate to do so, shall proceed with his determination of the application notwithstanding that the information has not been furnished to him by the specified date.
- (6) A declaration made by the Certification Officer under this section may be relied on as if it were a declaration made by the court.
- (7) Where an enforcement order has been made, any person who is a member of the union and was a member at the time it was made is entitled to enforce obedience to the order as if he had made the application on which the order was made.
- (8) An enforcement order made by the Certification Officer under this section may be enforced [<sup>F2</sup>(by the Certification Officer, the applicant or a person mentioned in subsection (7))] in the same way as an order of the court.
- (9) An order under section 108A(2)(e) may provide that, in relation to an application under section 108A with regard to a prescribed matter, the preceding provisions of this section shall apply with such omissions or modifications as may be specified in the order; and a prescribed matter is such matter specified under section 108A(2)(e) as is prescribed under this subsection.]

#### Textual Amendments

- F1** S. 108A-C of Chapter VIIA Pt. I and chapter heading inserted (25.10.1999) by 1999 c. 26, s. 29, Sch. 6 paras. 1, 19; S.I. 1999/2830, art. 2(1), Sch. 1 Pt. I (with Sch. 3 para. 5)
- F2** Words in s. 108B(8) inserted (1.4.2022) by Trade Union Act 2016 (c. 15), ss. 19(4), 25(1); S.I. 2021/1373, reg. 4(c) (with reg. 15)

**Status:**

Point in time view as at 01/04/2022.

**Changes to legislation:**

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