



# Trade Union and Labour Relations (Consolidation) Act 1992

## 1992 CHAPTER 52

### PART I

#### TRADE UNIONS

#### CHAPTER VIII

##### ASSISTANCE FOR CERTAIN LEGAL PROCEEDINGS

#### **110 Application for assistance: its consideration.**

- (1) An individual who is an actual or prospective party to proceedings to which this Chapter applies may apply to the Commissioner for assistance in relation to the proceedings, and the Commissioner shall, as soon as reasonably practicable after receiving the application, consider it and decide whether and to what extent to grant it.
- (2) The matters to which the Commissioner may have regard in determining whether, and to what extent, to grant an application include—
  - (a) whether the case raises a question of principle,
  - (b) whether it is unreasonable, having regard to the complexity of the case, to expect the applicant to deal with it unaided, and
  - (c) whether, in the Commissioner's opinion, the case involves a matter of substantial public interest.
- (3) In the case of an application made by virtue of section 109(1)(c), (f) or (h) (failure to maintain register of members or to comply with requirements as to election or ballot), if—
  - (a) the Certification Officer has already made a declaration with respect to the subject-matter of the proceedings or prospective proceedings, and

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*Status: Point in time view as at 16/10/1992. This version of this provision has been superseded.*

*Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Section 110 is up to date with all changes known to be in force on or before 12 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)*

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- (b) it appears to the Commissioner that the applicant would (if assisted) have a reasonable prospect of securing the making of an enforcement order in the proceedings,

the Commissioner shall grant the application to the extent he considers necessary for securing that, so far as reasonably practicable, all the steps he considers appropriate (including, where appropriate, the holding of another ballot or election) are taken by the trade union for the purpose of remedying the declared failure and of ensuring that a failure of the same or a similar kind does not occur in future.

- (4) The Commissioner shall not grant an application made by virtue of section 109(2) (proceedings arising out of breach of rules) unless it appears to him—
- (a) that the breach of rules in question affects, or may affect, members of the union other than the applicant, or
- (b) that similar breaches of the rules have been or may be committed in relation to other members of the union.
- (5) If the Commissioner decides not to provide assistance, he shall, as soon as reasonably practicable after making the decision, notify the applicant of his decision and, if he thinks fit, of the reasons for it.

**Status:**

Point in time view as at 16/10/1992. This version of this provision has been superseded.

**Changes to legislation:**

Trade Union and Labour Relations (Consolidation) Act 1992, Section 110 is up to date with all changes known to be in force on or before 12 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.