



# Trade Union and Labour Relations (Consolidation) Act 1992

**1992 CHAPTER 52**

## **PART I**

### TRADE UNIONS

## **CHAPTER III**

### TRADE UNION ADMINISTRATION

#### *Supplementary*

##### **45 Offences**

- (1) If a trade union refuses or wilfully neglects to perform a duty imposed on it by or under any of the provisions of—
  - section 27 (duty to supply copy of rules),
  - sections 28 to 30 (accounting records),
  - sections 32 to 37 (annual return, accounts and audit), or
  - sections 38 to 42 (members' superannuation schemes),it commits an offence.
- (2) The offence shall be deemed to have been also committed by—
  - (a) every officer of the trade union who is bound by the rules of the union to discharge on its behalf the duty breach of which constitutes the offence, or
  - (b) if there is no such officer, every member of the general committee of management of the union.
- (3) In any proceedings brought against an officer or member by virtue of subsection (2) in respect of a breach of duty, it is a defence for him to prove that he had reasonable cause

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***Status:*** This is the original version (as it was originally enacted).

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to believe, and did believe, that some other person who was competent to discharge that duty was authorised to discharge it instead of him and had discharged it or would do so.

- (4) A person who wilfully alters or causes to be altered a document which is required for the purposes of any of the provisions mentioned in subsection (1), with intent to falsify the document or to enable a trade union to evade any of those provisions, commits an offence.
- (5) A person guilty of an offence under this section is liable on summary conviction—
  - (a) in the case of an offence under subsection (1), to a fine not exceeding level 3 on the standard scale;
  - (b) in the case of an offence under subsection (4), to a fine not exceeding level 5 on the standard scale.