



# Trade Union and Labour Relations (Consolidation) Act 1992

## 1992 CHAPTER 52

### PART I

#### TRADE UNIONS

#### CHAPTER VI

##### APPLICATION OF FUNDS FOR POLITICAL OBJECTS

##### *Restriction on use of funds for certain political objects*

#### **[<sup>F1</sup>72A Application of funds in breach of section 71.**

- (1) A person who is a member of a trade union and who claims that it has applied its funds in breach of section 71 may apply to the Certification Officer for a declaration that it has done [<sup>F2</sup>so; but the Certification Officer may also exercise the powers under this section where no application is made.]

[ Where an application is made under subsection (1), the Certification Officer must <sup>F3</sup>(1A) ensure that, so far as is reasonably practicable, it is determined within six months of being made.]

[<sup>F4</sup>(2) Where the Certification Officer is satisfied that a trade union has applied its funds in breach of section 71, the Officer may make a declaration to that effect.

(2A) Before deciding the matter the Certification Officer—

- (a) may make such enquiries as the Officer thinks fit,
- (b) must give the union and the applicant (if any) an opportunity to make written representations, and
- (c) may give the union and the applicant (if any) an opportunity to make oral representations.

*Status: Point in time view as at 01/04/2022.*

*Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Section 72A is up to date with all changes known to be in force on or before 28 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)*

- (2B) The Certification Officer—
- (a) must give reasons for the Officer's decision in writing, and
  - (b) may make written observations on any matter arising from, or connected with, the proceedings.]
- (3) If he makes a declaration he shall specify in it—
- (a) the provisions of section 71 breached, and
  - (b) the amount of the funds applied in breach.
- (4) If he makes a declaration and is satisfied that the union has taken or agreed to take steps with a view to—
- (a) remedying the declared breach, or
  - (b) securing that a breach of the same or any similar kind does not occur in future, he shall specify those steps in making the declaration.
- (5) If he makes a declaration he may make such order for remedying the breach as he thinks just under the circumstances.
- (6) 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<sup>F5</sup>... notwithstanding that the information has not been furnished to him by the specified date.
- (7) A declaration made by the Certification Officer under this section may be relied on as if it were a declaration made by the court.
- (8) Where an order has been made under this section, 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 [<sup>F6</sup>an application under this section].
- (9) An order made by the Certification Officer under this section may be enforced [<sup>F7</sup>(by the Certification Officer, the applicant or a person mentioned in subsection (8))] in the same way as an order of the court.
- (10) If a person applies to the Certification Officer under this section in relation to an alleged breach he may not apply to the court in relation to the breach; but nothing in this subsection shall prevent such a person from exercising any right to appeal against or challenge the Certification Officer's decision on the application to him.
- (11) If—
- (a) a person applies to the court in relation to an alleged breach, and
  - (b) the breach is one in relation to which he could have made an application to the Certification Officer under this section,
- he may not apply to the Certification Officer under this section in relation to the breach.]

#### Textual Amendments

**F1** S. 72A inserted (25.10.1999) by 1999 c. 26, s. 29, Sch. 6 paras. 1, 13; S.I. 1999/2830, art. 2(1), **Sch. 1 Pt. 1** (with Sch. 3 para. 5)

**F2** Words in s. 72A(1) substituted (1.4.2022) by Trade Union Act 2016 (c. 15), s. 25(1), **Sch. 2 para. 4(2)**; S.I. 2021/1373, reg. 4(b) (with reg. 10)

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- F3** S. 72A(1A) inserted (1.4.2022) by Trade Union Act 2016 (c. 15), s. 25(1), **Sch. 2 para. 4(3)**; S.I. 2021/1373, reg. 4(b) (with reg. 10)
- F4** S. 72A(2)-(2B) substituted for s. 72A(2) (1.4.2022) by Trade Union Act 2016 (c. 15), s. 25(1), **Sch. 2 para. 4(4)**; S.I. 2021/1373, reg. 4(b) (with reg. 10)
- F5** Words in s. 72A(6) omitted (1.4.2022) by virtue of Trade Union Act 2016 (c. 15), s. 25(1), **Sch. 2 para. 4(5)**; S.I. 2021/1373, reg. 4(b) (with reg. 10)
- F6** Words in s. 72A(8) substituted (1.4.2022) by Trade Union Act 2016 (c. 15), s. 25(1), **Sch. 2 para. 4(6)**; S.I. 2021/1373, reg. 4(b) (with reg. 10)
- F7** Words in s. 72A(9) 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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