



# Employment Relations Act 2004

## 2004 CHAPTER 24

### PART 6

#### MISCELLANEOUS

#### **52 Additional case in which election for president of union not required**

(1) Section 46 of the 1992 Act (requirement to hold elections for certain positions in trade unions) is amended as follows.

(2) In subsection (2), omit the words after paragraph (d).

(3) After subsection (4) insert—

“(4A) This Chapter also does not apply to the position of president if—

- (a) the holder of that position was elected or appointed to it in accordance with the rules of the union,
- (b) at the time of his election or appointment as president he held a position mentioned in paragraph (a), (b) or (d) of subsection (2) by virtue of having been elected to it at a qualifying election,
- (c) it is no more than five years since—
  - (i) he was elected, or re-elected, to the position mentioned in paragraph (b) which he held at the time of his election or appointment as president, or
  - (ii) he was elected to another position of a kind mentioned in that paragraph at a qualifying election held after his election or appointment as president of the union, and
- (d) he has, at all times since his election or appointment as president, held a position mentioned in paragraph (a), (b) or (d) of subsection (2) by virtue of having been elected to it at a qualifying election.”

(4) In subsection (5), at the beginning, insert “In subsection (4)”.

(5) After subsection (5) insert—

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*Status: This is the original version (as it was originally enacted).*

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“(5A) In subsection (4A) “qualifying election” means an election satisfying the requirements of this Chapter.

(5B) The “requirements of this Chapter” referred to in subsections (1) and (5A) are those set out in sections 47 to 52 below.”