



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Tuesday 20 October 2015

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

Amendments tabled since the last publication: 111 and NC11

PUBLIC BILL COMMITTEE

TRADE UNION BILL

NOTE

This document includes all amendments remaining before the Committee and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order of the Committee [13 October 2015 as amended on 15 October 2015].

Ms Angela Eagle [R]
 Stephen Doughty [R]
 Ian Murray [R]

75

Clause 8, page 4, line 16, after “Subsection 1” insert “and section 233(1) (a) of the 1992 Act, as amended by this Act”

Member’s explanatory statement

The amendment would ensure that any re-ballot or renewal of mandate, or the first ballot, is not prejudiced in any way by any unofficial action that may have taken place.

Trade Union Bill, *continued*

Chris Stephens [R]
Dr Lisa Cameron [R]

82

Clause 8, page 4, line 24, at end insert—
“(3) This section shall not apply to disputes in Scotland.”

Ms Angela Eagle [R]
Stephen Doughty [R]
Ian Murray [R]

26

Clause 9, page 4, line 37, leave out “or encourages its members to take part in,”

Chris Stephens [R]
Dr Lisa Cameron [R]

104

- ☆ Clause 9, page 5, leave out lines 1 to 13 and insert—
- “(3) A picket supervisor is required to show a constable a letter of authorization only if
- (a) the constable provides documentary evidence that he or she is a constable;
 - (b) the constable provides his or her name, and the name of the police station to which he or she is attached; and
 - (c) the constable explains the reasons for the request to see the letter of authorization.
- (4) If a picket supervisor complies with a constable’s request to produce a letter of authorization, the police officer shall provide the picket supervisor with a written record of the request, the reasons for it, and an acknowledgment that the request was complied with.
- (5) If a picket supervisor fails to comply with a constable’s request to produce a letter of authorization, the police officer shall provide the picket supervisor with a written record of the request, the reasons for it, and an acknowledgment that the request was not complied with.
- (6) Information about the identity of a picket supervisor and any information relating to the production of a letter of authorization shall be retained by the police only for the purposes of giving evidence in legal proceedings directly related to the picketing to which it is connected.
- (7) For the avoidance of doubt neither a member of the public nor an employer shall be entitled to request a picket supervisor to produce a letter of authorization.”

Ms Angela Eagle [R]
Stephen Doughty [R]
Ian Murray [R]

27

Clause 9, page 5, line 2, leave out from “union” to the end of line 3

Trade Union Bill, continued

- Ms Angela Eagle [R]
Stephen Doughty [R]
Ian Murray [R] 28
- Clause 9, page 5, line 5, leave out “police” and insert “Chief Constable”
Member’s explanatory statement
The amendment would ensure there is a single, senior contact within the police force for communicating information about picketing.
- Ms Angela Eagle [R]
Stephen Doughty [R]
Ian Murray [R] 29
- Clause 9, page 5, line 7, leave out paragraph (b)
- Ms Angela Eagle [R]
Stephen Doughty [R]
Ian Murray [R] 30
- Clause 9, page 5, line 11, leave out subsection (6)
- Ms Angela Eagle [R]
Stephen Doughty [R]
Ian Murray [R] 31
- Clause 9, page 5, line 14, leave out subsection (7) and insert—
“(7) A picket supervisor must take reasonable steps to be contactable by the union and the police, and be able to attend in person given reasonable notice.”
- Ms Angela Eagle [R]
Stephen Doughty [R]
Ian Murray [R] 32
- Clause 9, page 5, line 14, leave out subsection (7)
- Ms Angela Eagle [R]
Stephen Doughty [R]
Ian Murray [R] 33
- Clause 9, page 5, line 18, leave out subsection (8)
Member’s explanatory statement
The amendment would remove the requirement for the picket supervisor to wear identification.
- Chris Stephens [R]
Dr Lisa Cameron [R] 105
- ☆ Clause 9, page 5, line 29, at end insert—
“(11) This section shall not apply to Scotland.”
-

Trade Union Bill, continued

Ms Angela Eagle [R]
 Stephen Doughty [R]
 Ian Murray [R]

34

Clause 10, page 5, line 39, leave out “has expired under subsection (2) or”

Ms Angela Eagle [R]
 Stephen Doughty [R]
 Ian Murray [R]

35

Clause 10, page 5, line 43, leave out from “unless” to the end of line 5 on page 6 and insert “it has been renewed”

Member’s explanatory statement

The amendment would define an opt-in notice as expired if on its expiry date it had not been renewed.

Nick Boles

91

Clause 10, page 6, leave out lines 6 to 12 and insert—

“(3) The first renewal date—

- (a) for a trade union in relation to which a political resolution is in force on the commencement date, is the date falling five years and three months after that date;
- (b) for any other trade union, is the date falling five years and three months after the first date following the commencement date on which the union passes a political resolution.”

Member’s explanatory statement

This amendment is intended to improve the drafting as regards the “first renewal date”, and in particular to make it fit better with section 93(2) of the Trade Union and Labour Relations (Consolidation) Act 1992 (amalgamations) where that section applies.

Ms Angela Eagle [R]
 Stephen Doughty [R]
 Ian Murray [R]

36

Clause 10, page 6, line 8, leave out “five years” and insert “ten years”

Member’s explanatory statement

The amendment would make the first renewal date for a union’s political fund established before the Bill comes into force 10 years and three months rather than five years and three months.

Ms Angela Eagle [R]
 Stephen Doughty [R]
 Ian Murray [R]

37

Clause 10, page 6, line 10, leave out “five years” and insert “ten years”

Member’s explanatory statement

The amendment would make the first renewal date for a union’s political fund established after the Bill comes into force 10 years and three months rather than five years and three months after the ballot.

Trade Union Bill, *continued*

Ms Angela Eagle [R]
 Stephen Doughty [R]
 Ian Murray [R]

38

Clause 10, page 6, line 13, leave out “five years” and insert “ten years”

Member’s explanatory statement

The amendment would make all renewal dates for unions’ political funds after the first renewal date 10 years rather than five years.

Ms Angela Eagle [R]
 Stephen Doughty [R]
 Ian Murray [R]

39

Clause 10, page 6, line 23, at end insert “or by electronic means”

Member’s explanatory statement

The amendment would allow opt-in, renewal and withdrawal notices to be given via electronic communications.

Nick Boles

92

Clause 10, page 6, line 44, leave out “Subsection (4) applies” and insert “Subsections (4) and (5) apply”.

Member’s explanatory statement

This is a drafting amendment linked to amendment 93.

Nick Boles

93

Clause 10, page 7, line 3, leave out subsection (4) and insert—

“(4) During the period of three months beginning with the commencement date (“the transitional period”), the member is treated as a contributor to the fund for the purposes of the 1992 Act (as amended by this Act).

This is subject to subsection (5).

(5) If during the first two months of the transitional period the member gives an exemption notice as mentioned in section 84(1) of the 1992 Act, as it had effect immediately before the commencement date, subsection (4) ceases to apply to the member at the end of the period of one month beginning with the day on which the notice is given.”

Member’s explanatory statement

The existing transitional provision, in subsection (4) of clause 10, treats union members who on the commencement date had not opted out of contributing as having opted in under the new provisions, for a period of three months. The amendment enables such people to opt out of contributing during this period.

Ms Angela Eagle [R]
 Stephen Doughty [R]
 Ian Murray [R]

41

Clause 10, page 7, line 3, leave out subsection (4)

Member’s explanatory statement

The amendment would remove the transitional provision which prevents unions three months after commencement of the provisions from collecting monies from members for political funds unless they have made a choice to contribute.

Trade Union Bill, continued

Ms Angela Eagle [R]
 Stephen Doughty [R]
 Ian Murray [R]

40

Clause 10, page 7, line 3, leave out “three months” and insert “ten years”

Member’s explanatory statement

The amendment would extend the transitional provision from three months to 10 years after which unions would be unable to collect monies from members for the political fund unless they had made a choice to contribute.

Ms Angela Eagle [R]
 Stephen Doughty [R]
 Ian Murray [R]

42

Clause 10, page 7, line 10, at end insert—

“(5) None of the provisions of sections 84 and 85 shall apply to public sector employees in sectors or providing services which are wholly or partially devolved to the Scottish Government, Welsh Government or Northern Ireland Executive.”

Member’s explanatory statement

The amendment would ensure that the provisions on contributions to political funds would not apply to employees in public services providing services which are devolved to the Scottish Government, the Welsh Government, the Northern Ireland Executive.

Ms Angela Eagle [R]
 Stephen Doughty [R]
 Ian Murray [R]

72

Clause 10, page 7, line 10, at end insert—

“(6) None of the provisions of this section shall apply to employees of the Mayor of London or local authorities in England.”

Member’s explanatory statement

The amendment would ensure that the provisions on contributions to political funds would not apply to employees in public services providing services which are devolved to the Mayor of London or local authorities in England.

Chris Stephens [R]
 Dr Lisa Cameron [R]

83

Page 5, line 31, leave out Clause 10.

Ms Angela Eagle [R]
 Stephen Doughty [R]
 Ian Murray [R]

44

Clause 11, page 7, line 16, leave out “£2,000” and insert “£100,000”

Member’s explanatory statement

The amendment would raise the threshold for providing details of items of political expenditure in a union’s annual return to the Certification Officer from £2,000 to £100,000.

Trade Union Bill, continued

Ms Angela Eagle [R]
 Stephen Doughty [R]
 Ian Murray [R]

45

Clause 11, page 7, leave out lines 18 to 24 and insert “shall report the overall amount of expenditure in a year to any one organisation.”

Member’s explanatory statement

The amendment would require a union’s annual return on political expenditure to the Certification Officer to report the overall amount of expenditure.

Ms Angela Eagle [R]
 Stephen Doughty [R]
 Ian Murray [R]

98

☆ Clause 11, page 7, line 25, leave out sub-paragraph (3)

Chris Stephens [R]
 Dr Lisa Cameron [R]

106

☆ Clause 12, page 8, line 12, leave out “how many” and insert “the percentage”

Ms Angela Eagle [R]
 Stephen Doughty [R]
 Ian Murray [R]

46

Clause 12, page 8, line 13, leave out from first “officials” to the end of line 24 and insert “; and

(b) the total amount spent by an employer in a specified period on paying relevant union officials for facility time.”

Chris Stephens [R]
 Dr Lisa Cameron [R]

107

☆ Clause 12, page 8, line 14, leave out “total amount” and insert “percentage”

Chris Stephens [R]
 Dr Lisa Cameron [R]

108

☆ Clause 12, page 8, line 24, at end insert “and whether these are met in part or in full by a contribution from a trade union”

Ms Angela Eagle [R]
 Stephen Doughty [R]
 Ian Murray [R]

74

Clause 12, page 8, line 24, at end insert—

“(f) a reasonable estimate of the cost savings to the employer of the arrangements relating to facility time in the relevant specified period; and

(g) a statement agreed by the employers and the relevant unions of the value of the arrangements relating to facility time.”

Trade Union Bill, *continued*

- Chris Stephens [R]
Dr Lisa Cameron [R] 109
- ☆ Clause 12, page 8, line 24, at end insert—
“*(f) the percentage of relevant union officials whose facility time is met by a contribution from a trade union in whole or in part*”
- Chris Stephens [R]
Dr Lisa Cameron [R] 110
- ☆ Clause 12, page 8, line 37, leave out paragraphs (b) and (c)
- Ms Angela Eagle [R]
Stephen Doughty [R]
Ian Murray [R] 47
- Clause 12, page 8, line 39, leave out paragraph (c)
Member’s explanatory statement
The amendment would remove safety representatives from the definition of union officials for the purposes of the publication requirements in relation to facility time.
- Ms Angela Eagle [R]
Stephen Doughty [R]
Ian Murray [R] 100
- ☆ Clause 12, page 8, line 44, leave out paragraph (b)
- Ms Angela Eagle [R]
Stephen Doughty [R]
Ian Murray [R] 48
- Clause 12, page 9, line 1, leave out paragraph (c)
Member’s explanatory statement
The amendment would remove safety representatives from the definition of union officials for the purposes of the publication requirements in relation to facility time.
- Ms Angela Eagle [R]
Stephen Doughty [R]
Ian Murray [R] 103
- ☆ Clause 12, page 9, line 3, leave out subsection (9)
- Ms Angela Eagle [R]
Stephen Doughty [R]
Ian Murray [R] 49
- Clause 12, page 9, line 5, leave out “partly” and insert “mainly”

Trade Union Bill, continued

Ms Angela Eagle [R]
Stephen Doughty [R]
Ian Murray [R]

50

Clause 12, page 9, leave out lines 18 to 20 and insert—

“(12) No regulations under this section shall be made unless a draft of them has been laid before Parliament and approved by a resolution of each House of Parliament.”

Member’s explanatory statement

The amendment would change the regulation-making power from the negative to the affirmative procedure, requiring approval by both Houses of Parliament before regulations could come into force.

Ms Angela Eagle [R]
Stephen Doughty [R]
Ian Murray [R]

51

Clause 12, page 9, line 20, at end insert—

“(13) None of the provisions of this section shall apply to facility time of the employees of the Scottish Government, the Welsh Government or the Northern Ireland Executive, or to public sector employers working for or providing services that are wholly or partially devolved to the Scottish Government, Welsh Government or Northern Ireland Executive.”

Member’s explanatory statement

The amendment would ensure that the provisions on facility time would not apply to employees working for or providing public services which are devolved to the Scottish Government, the Welsh Government or the Northern Ireland Executive.

Ms Angela Eagle [R]
Stephen Doughty [R]
Ian Murray [R]

73

Clause 12, page 9, line 20, at end insert—

“(14) None of the provisions of this section shall apply to facility time of the employees of the Mayor of London or local authorities in England.”

Member’s explanatory statement

The amendment would ensure that the provisions on facility time would not apply to employees working for or providing public services which are devolved to employees of the Mayor of London or local authorities in England.

Chris Stephens [R]
Dr Lisa Cameron [R]

84

Clause 12, page 9, line 20, at end insert—

“(13) The provisions in this section shall only apply with the consent of the Scottish Government, Welsh Government, Northern Ireland Executive, the Mayor of London and Local Authorities in England in their areas of responsibility.”

Trade Union Bill, *continued*

Ms Angela Eagle [R]
 Stephen Doughty [R]
 Ian Murray [R]

99

☆ Clause 12, page 9, line 20, at end insert—

“(13) None of the provisions of this section shall apply to facility time of the employees of an individual, a company, a partnership or any other body save a public authority”

Ms Angela Eagle [R]
 Stephen Doughty [R]
 Ian Murray [R]

101

☆ Clause 13, page 9, line 31, at end insert—

“(c) Save that no such regulation shall have the effect of altering, in respect of any of the matters to which the reserve powers may be directed, any provision of a contract of employment or a collective agreement or of limiting an employer’s discretion as to the contents of contracts of employment or collective agreements to which the employer is a party”.

Ms Angela Eagle [R]
 Stephen Doughty [R]
 Ian Murray [R]

102

☆ Clause 13, page 9, line 45, leave out paragraph (b)

Chris Stephens [R]
 Dr Lisa Cameron [R]

85

Clause 13, page 10, line 44, at end insert—

“(14) For the avoidance of doubt, the powers in this section shall only apply with the consent of the Scottish Government, Welsh Government, Northern Ireland Executive, the Mayor of London and Local Authorities in England in their areas of responsibility.”

Ms Angela Eagle [R]
 Stephen Doughty [R]
 Ian Murray [R]

53

Clause 14, page 11, line 7, leave out subsection (2)

Ms Angela Eagle [R]
 Stephen Doughty [R]
 Ian Murray [R]

54

Clause 14, page 11, line 9, leave out subsection (3)

Trade Union Bill, continued

Ms Angela Eagle [R]
 Stephen Doughty [R]
 Ian Murray [R]

55

Clause 14, page 11, line 11, at end insert—

“(4) For the purposes of this section and the Schedules to which it gives effect complainant and applicant must be—

(a) a member of the union which is the subject of the complaint or application.”

Chris Stephens [R]
 Dr Lisa Cameron [R]

86

Clause 14, page 11, line 11, at end insert—

“(4) This section and the Schedules it inserts shall not apply in Scotland.”

Ms Angela Eagle [R]
 Stephen Doughty [R]
 Ian Murray [R]

66

Schedule 1, page 17, line 7, leave out “or any other person”

Member’s explanatory statement

The amendment would restrict the power to require the production of documents to the Certification Officer and his or her staff.

Ms Angela Eagle [R]
 Stephen Doughty [R]
 Ian Murray [R]

67

Schedule 1, page 17, line 47, after “obligation,”, insert “where a complaint has been received from a member of the relevant trade union, and where there the Certification Officer reasonably believes there is evidence that indicates a breach of a relevant obligation”

Member’s explanatory statement

The amendment would require a complaint to be made by a union member and for the Certification Officer to reasonably believe there was evidence of a breach of an obligation before the Certification Officer initiated an investigation.

Ms Angela Eagle [R]
 Stephen Doughty [R]
 Ian Murray [R]

68

Schedule 1, page 18, line 1, leave out “or other persons”

Member’s explanatory statement

The amendment would require a person investigating a breach of an obligation by a union to be a member of staff of the Certification Officer.

Trade Union Bill, continued

Ms Angela Eagle [R]
 Stephen Doughty [R]
 Ian Murray [R]

69

Schedule 1, page 18, line 4, at end insert—

“(b) to take representations from the trade union or unions who are the subject of such an investigation”

Member’s explanatory statement

The amendment would require a person investigating a breach of an obligation by a union to take representations from the union concerned.

Ms Angela Eagle [R]
 Stephen Doughty [R]
 Ian Murray [R]

70

Schedule 1, page 19, line 4, after “Certification Officer”, insert “and the trade union or unions who are the subject of such an investigation”

Member’s explanatory statement

The amendment would require the interim report of the person investigating a breach of an obligation by a union to be sent to the union concerned.

Ms Angela Eagle [R]
 Stephen Doughty [R]
 Ian Murray [R]

71

Schedule 1, page 19, line 7, after “Officer”, insert “and the trade union or unions who are the subject of such an investigation”

Member’s explanatory statement

The amendment would require the final report of the person investigating a breach of an obligation by a union to be sent to the union concerned.

Ms Angela Eagle [R]
 Stephen Doughty [R]
 Ian Murray [R]

56

Clause 15, page 11, line 16, after “32ZB”, insert “and where a valid complaint has been made by a member of the trade union or unions relevant”

Member’s explanatory statement

The amendment would provide that only after a valid complaint from a union member can the Certification Officer make a declaration that he is satisfied that a union has failed to comply with the requirements for the annual return in respect of industrial action or political expenditure.

Ms Angela Eagle [R]
 Stephen Doughty [R]
 Ian Murray [R]

57

Clause 15, page 12, leave out lines 16 to 19

Member’s explanatory statement

The amendment would prevent a union member who was not party to a complaint giving rise to an enforcement order implementing the order.

Trade Union Bill, continued

Nick Boles

94

Clause 15, page 12, line 23, at end insert—

“() In section 45D of that Act (appeals from Certification Officer), after “31” insert “, 32ZC”.”

Member’s explanatory statement

The amendment adds a reference to the new section 32ZC (inserted by clause 15) in section 45D of the 1992 Act. The effect is that decisions made by the Certification Officer in relation to the enforcement of the new annual return requirements provided for by clause 15 are subject to a right of appeal.

Chris Stephens [R]

Dr Lisa Cameron [R]

87

Clause 15, page 12, line 23, at end insert—

“(4) This section shall not apply in Scotland.”

Ms Angela Eagle [R]

Stephen Doughty [R]

Ian Murray [R]

58

Clause 16, page 13, line 3, leave out “the applicant or a person mentioned in subsection (5B)”

Member’s explanatory statement

The amendment would limit enforcement powers to the Certification Officer.

Ms Angela Eagle [R]

Stephen Doughty [R]

Ian Murray [R]

59

Clause 16, page 13, line 6, leave out “or the applicant”

Member’s explanatory statement

The amendment would limit enforcement powers to the Certification Officer.

Ms Angela Eagle [R]

Stephen Doughty [R]

Ian Murray [R]

60

Clause 16, page 13, line 9, leave out “the applicant or a person mentioned in subsection (6)”

Member’s explanatory statement

The amendment would limit enforcement powers to the Certification Officer.

Ms Angela Eagle [R]

Stephen Doughty [R]

Ian Murray [R]

61

Clause 16, page 13, line 12, leave out “the applicant or a person mentioned in subsection (5C)”

Member’s explanatory statement

The amendment would limit enforcement powers to the Certification Officer.

Trade Union Bill, continued

Ms Angela Eagle [R]
 Stephen Doughty [R]
 Ian Murray [R]

62

Clause 16, page 13, line 15, leave out “the applicant or a person mentioned in subsection (8)”

Member’s explanatory statement

The amendment would limit enforcement powers to the Certification Officer.

Ms Angela Eagle [R]
 Stephen Doughty [R]
 Ian Murray [R]

63

Clause 16, page 13, line 18, leave out “the applicant or a person mentioned in subsection (5C)”

Member’s explanatory statement

The amendment would limit enforcement powers to the Certification Officer.

Ms Angela Eagle [R]
 Stephen Doughty [R]
 Ian Murray [R]

64

Clause 16, page 13, line 21, leave out “the complainant or a person mentioned in subsection (4A)”

Member’s explanatory statement

The amendment would limit enforcement powers to the Certification Officer.

Ms Angela Eagle [R]
 Stephen Doughty [R]
 Ian Murray [R]

65

Clause 16, page 13, line 25, leave out “the applicant or a person mentioned in subsection (7)”

Member’s explanatory statement

The amendment would limit enforcement powers to the Certification Officer.

Chris Stephens [R]
 Dr Lisa Cameron [R]

88

Clause 16, page 13, line 26, at end insert—

“(5) This section and the Schedule it inserts shall not apply in Scotland.”

Nick Boles

95

Clause 17, page 14, line 1, leave out “(b) payments made by ACAS under section 254(6),”

Member’s explanatory statement

Section 254(6) of the 1992 Act is spent: it depends on section 115 of that Act, which has been repealed. The reference to section 254(6) in the new section inserted by clause 17(1) was included in error, and this amendment removes it. Amendment 97 repeals section 254(6) itself and the reference to it in section 254(5A).

Trade Union Bill, continued

Chris Stephens [R]
Dr Lisa Cameron [R]

89

Clause 17, page 14, line 43, at end insert—

“(11) Trade union members resident in Scotland shall not be required through their union to contribute to a levy imposed by this section.”

Nick Boles

96

Schedule 4, page 29, line 11, at end insert—

“ In section 93 of the 1992 Act (effect of amalgamation), after subsection (2) insert—

“(2A) Where—

(a) subsection (1) applies, and

(b) at the time of the amalgamation there has already been a renewal date under section 84 for one or more of the amalgamating unions,

the first renewal date under that section for the amalgamated union is the earliest date after that time which would (but for the amalgamation) have been the first renewal date for any of the amalgamating unions.””

Member’s explanatory statement

This amendment deals with the effect of an amalgamation of unions on the new opt-in rules. It fixes the “first renewal date” for the amalgamated union where at least one of the amalgamating unions has already had a renewal date at the time of the amalgamation.

Nick Boles

97

Schedule 4, page 29, line 39, at end insert—

“(1) Section 254 of the 1992 Act (certification officer) is amended as follows.

(2) In subsection (5A) omit “Subject to subsection (6),”.

(3) Omit subsection (6).”

Member’s explanatory statement

See the explanatory statement for amendment 95.

Nick Boles

111

★ Schedule 4, page 30, line 29, leave out from “subsection (6)” to end of line 30 and insert—

“(a) omit “24C,”;

(b) at the end insert “and after “45C” insert “or paragraph 5 of Schedule A3”.”

Member’s explanatory statement

This amendment is to correct a drafting error.

Trade Union Bill, *continued*

NEW CLAUSES

Nick Boles

NC11

- ★ To move the following Clause—

“Prohibition on deduction of union subscriptions from wages in public sector

- (1) After section 116A of the 1992 Act insert—

“Deduction of trade union subscriptions from wages

116B Prohibition on deduction of union subscriptions from wages in public sector

- (1) No relevant public sector employer may make trade union subscription deductions from wages payable to workers.
- (2) An employer is a relevant public sector employer if the employer is a public authority specified, or of a description specified, in regulations made by a Minister of the Crown.
- (3) A Minister of the Crown may by regulations provide, in relation to a body or other person that is not a public authority but has functions of a public nature and is funded wholly or partly from public funds, that the body or other person is to be treated as a public authority for the purposes of this section.
- (4) Regulations under this section may make provision specifying the person or other entity that is to be treated for the purposes of this section as the employer of a person who is employed by the Crown.
- (5) The regulations may—
 - (a) deem a category of persons holding an office or employment under the Crown (or two or more such categories taken together) to be an entity for the purposes of provision made under subsection (4);
 - (b) make different provision under subsection (4) for different categories of persons holding an office or employment under the Crown.
- (6) Regulations under this section may—
 - (a) make different provision for different purposes;
 - (b) make transitional provision in connection with the coming into force of any provision of the regulations;
 - (c) make consequential provision amending or otherwise modifying contracts of employment or collective agreements.
- (7) Regulations under this section are to be made by statutory instrument.
- (8) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (9) In this section—

“trade union subscription deductions” means deductions representing payments to a trade union in respect of a worker’s membership of the union;

Trade Union Bill, continued

“wages” has the same meaning as in Part 2 of the Employment Rights Act 1996 (see section 27);

“worker” has the same meaning as in that Act.”

- (2) In section 296 of that Act (meaning of “worker” and related expressions), in subsection (3), after “68(4),” insert “116B(9),”.

Member’s explanatory statement

This amendment would prohibit public sector employers prescribed by regulations from deducting trade union subscriptions from workers’ wages and sending these to the unions concerned, a service called ‘check-off’. Commencement of the ban would allow a reasonable period for affected workers and unions to make alternative arrangements to check-off.

Ms Angela Eagle [R]
Stephen Doughty [R]
Ian Murray [R]

NC1

To move the following Clause—

“Voting by electronic means in trade union ballots for industrial action

- (1) Trade union members shall be permitted to vote by electronic means for the purposes of Part V of the 1992 Act (Industrial Action) with effect from the commencement date for sections 2 and 3.
- (2) In this section “electronic means” means such electronic means, including means of secure voting electronically in the workplace, as is, or are determined by the union and, in a case in which section 226B of the 1992 Act (Appointment of Scrutineer) imposes an obligation on the union, confirmed by the person appointed in accordance with that section, before the opening day of the ballot as meeting the required standard.
- (3) Where electronic means are determined by the union, and, if applicable, confirmed by the person appointed under section 226B of the Act as meeting the required standard as provided for in subsection (2), the means of voting in the ballot shall also include postal voting where determined by the union and, in a case in which section 226B of the 1992 Act (Appointment of Scrutineer) imposes an obligation on the union, confirmed by the person appointed in accordance with that section as being reasonably necessary to ensure that the required standard is satisfied.
- (4) For the purpose of subsections (2) and (3), a means of electronic voting satisfies “the required standard” for the ballot if, so far as reasonably practicable:
 - (a) those entitled to vote have an opportunity to do so;
 - (b) votes cast are secret; and
 - (c) the risk of any unfairness or malpractice is minimised.
- (5) In relation to the ballots referred to in subsection (1):
 - (a) the employer shall be under a duty to co-operate generally in connection with the ballot with the union, which shall include not undertaking surveillance of, intercepting or otherwise interfering with any communications between the union and its members, and with any person appointed in accordance with section 226B of the 1992 Act (Appointment of Scrutineer); and
 - (b) every person who is entitled to vote in the ballot shall be permitted to do so without interference or constraint imposed by any employer of the union’s members, or any of its employees or any person its behalf.

Trade Union Bill, continued

- (6) Where in any proceedings an employer claims, or will claim, that a union has failed to comply with any requirement referred to in section 226 of the 1992 Act (Requirement of ballot before action by trade union), the union will have a complete defence to those proceedings if the employer has failed to comply with any part of its duty under subsection (5)(a) or it, or any of its employees or any person on its behalf, has imposed any interference or constraint of a type referred to in subsection (5)(b).
- (7) Any provision of the Act shall be disapplied to the extent necessary to give effect to this section.”

Member’s explanatory statement

The new clause would permit electronic voting in ballots for industrial action.

Ms Angela Eagle [R]
Stephen Doughty [R]
Ian Murray [R]

NC2

To move the following Clause—

“Voting by electronic means in trade union ballots

- (1) The provisions in section [new clause 2] apply to ballots and elections for the purposes of Chapters IV (elections for certain positions), VI (political resolutions) and VII (approval of instruments of amalgamation or transfer) of the 1992 Act.
- (2) The electronic means adopted for the purposes of subsection (1) must also be capable of allowing union members to vote in ballots and elections for the purposes of Chapters IV (elections for certain positions), VI (political resolutions) and VII (approval of instruments of amalgamating or transfer) of the 1992 Act.”

Member’s explanatory statement

The new clause would permit electronic voting in union elections and ballots other than those for industrial action..

Ms Angela Eagle [R]
Stephen Doughty [R]
Ian Murray [R]

NC4

To move the following Clause—

“Secure workplace ballots for industrial action

- (1) Trade union members shall be permitted to vote in person at their place of work by means of a secure workplace ballot for the purposes of Part V of the 1992 Act (Industrial Action) with effect from the commencement date for sections 2 and 3.
- (2) In this section “secure workplace ballot” means a ballot in which votes may be cast in the workplace by such means as is or are determined by the union. These may, but are not required to, include electronic means and, in a case in which section 226B of the 1992 Act (Appointment of Scrutineer) imposes an obligation on the union to ensure that the required standard is satisfied, confirmed by the

Trade Union Bill, *continued*

person appointed in accordance with that section, before the opening day of the ballot as meeting the required standard.

- (3) For the purpose of subsection (2), a workplace ballot satisfies “the required standard” if, so far as reasonably practicable:
 - (a) those entitled to vote have an opportunity to do so;
 - (b) those entitled to vote can do so in privacy;
 - (c) votes cast are secret; and
 - (d) the risk of any unfairness or malpractice is minimised.
- (4) In relation to the ballots referred to in subsection (1):
 - (a) the employer shall be under a duty to co-operate generally in connection with the ballot with the union, which shall include not undertaking surveillance of, intercepting or otherwise interfering with any communications between the union and its members, and with any person appointed in accordance with section 226B of the 1992 Act (Appointment of Scrutineer); and
 - (b) every person who is entitled to vote in the ballot shall be permitted to do so without interference or constraint imposed by any employer of the union’s members, or any of its employees or any person its behalf.
- (5) Where in any proceedings an employer claims, or will claim, that a union has failed to comply with any requirement referred to in section 226 of the 1992 Act (Requirement of ballot before action by trade union), the union will have a complete defence to those proceedings if the employer has failed to comply with any part of its duty under subsection (5)(a) or it, or any of its employees or any person on its behalf, has imposed any interference or constraint of a type referred to in subsection (5)(b).
- (6) Any provision of the Act shall be disapplied to the extent necessary to give effect to this section.”

Member’s explanatory statement

The new clause would permit secure workplace ballots for industrial action. These can involve electronic or non-electronic means.

Ms Angela Eagle [R]
 Stephen Doughty [R]
 Ian Murray [R]

NC5

To move the following Clause—

“Workplace balloting and voting for trade union elections and other matters

- (1) The provisions in section [NC4] shall apply to ballots and elections for the purposes of Chapters IV (elections for certain positions), VI (political resolutions) and VII (approval of instruments of amalgamation or transfer) of the 1992 Act.
- (2) The arrangements adopted for the purposes of subsection (1) shall allow union members to vote in workplace ballots for the purposes of Chapters IV (elections

Trade Union Bill, *continued*

for certain positions), VI (political resolutions) and VII (approval of instruments of amalgamating or transfer) of the 1992 Act.”

Member’s explanatory statement

The new clause would permit secure workplace ballots in union elections and ballots other than those for industrial action.

Ms Angela Eagle [R]
Stephen Doughty [R]
Ian Murray [R]

NC6

To move the following Clause—

“Methods of voting in ballots for industrial action, trade union elections and other matters

- (1) Voting in a ballot or election carried out to meet the requirements of the 1992 Act as amended can be carried out by postal ballot, electronic means, secure workplace ballot or a combination of these methods.
- (2) The combination of methods is to be determined by the union and, in a case in which section 226B of the 1992 Act (Appointment of Scrutineer) imposes an obligation on the union, confirmed by the person appointed in accordance with that section, before the opening day of the ballot.”

Chris Stephens [R]
Dr Lisa Cameron [R]

NC7

To move the following Clause—

“Certification Officer

For subsections (2) to (4) of section 254 of the 1992 Act substitute—

- “(2) The Certification Officer shall be appointed by the Judicial Appointments Commission, and the person appointed shall have expertise in trade union law.
 - (3) There shall be a Certification Officer for Scotland, equal in status to the Certification Officer in subsections (1) and (2) above.
 - (4) The Certification Officer for Scotland shall be appointed by the Judicial Appointments Board for Scotland, and the person appointed shall have expertise in trade union law.”
-

Trade Union Bill, *continued*

Chris Stephens [R]
Dr Lisa Cameron [R]

NC8

To move the following Clause—

“Workplace ballots and ballots by electronic means

- (1) Workplace ballots and balloting by electronic means, shall be permitted in the types of trade union ballots specified in subsection (2) with effect from the commencement date for sections 2 and 3 (Ballot thresholds for industrial action);
- (2) The types of trade union ballots to which subsections (1) and (3) apply are those referred to in Chapters IV (elections for certain positions), V (industrial action), VI (political resolutions) and VII (approval of instruments of amalgamation or transfer).
- (3) In relation to the ballots referred to in subsection (2):
 - (a) the employer shall be under a duty to co-operate generally in connection with the ballot with the union, which shall include not undertaking surveillance of, intercepting or otherwise interfering with any communications between the union and its members, and with any person appointed in accordance with section 226B of the Act (Appointment of Scrutineer); and
 - (b) every person who is entitled to vote in the ballot shall be permitted to do so without interference or constraint imposed by any employer of the union’s members, or any of its employees or any person its behalf.
- (4) Where in any proceedings an employer claims, or will claim, that a union has failed to comply with any requirement referred to in subsection 226 of the Act (Requirement of ballot before action by trade union), the union will have a complete defence to those proceedings if the employer has failed to comply with any part of its duty under subsection (3)(a) or it, or any of its employees or any person on its behalf, has imposed any interference or constraint of a type referred to in subsection (3)(b).
- (5) In this section:
 - (a) “Workplace ballot” means a ballot in which votes may be cast in the workplace by such means as is or are determined by the union. Such means of voting in the workplace determined by the union may, but are not required to, include electronic means; and
 - (b) “electronic means” means such electronic means as is or determined by the union and, in each case, where section 226B of the Act (Appointment of Scrutineer) imposes an obligation on the union, is confirmed by the person appointed in accordance with that section, before the opening day of the ballot as meeting the required standard.
- (6) Where electronic means are determined by the union, and, if applicable, confirmed by the person appointed under section 226B of the Act as meeting the required standard as provided for in subsection (5), the means of voting in the ballot shall also include postal voting, or some means of voting in a workplace ballot other than electronic means, where determined by the union and, in a case in which section 226B of the Act imposes an obligation on the union (Appointment of Scrutineer), confirmed by the person appointed in accordance with that section as being reasonably necessary to ensure that the required standard is satisfied.
- (7) For the purpose of subsections (5) and (6), a workplace ballot or means of electronic voting satisfies ‘the required standard’ for the ballot if, so far as reasonably practicable:
 - (a) those entitled to vote have an opportunity to do so;
 - (b) votes cast are secret; and

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- (c) the risk of any unfairness or malpractice is minimised.
- (8) Any provision of the Act shall be disapplied to the extent necessary to give effect to this section.”
-

Chris Stephens [R]
Dr Lisa Cameron [R]

NC9

To move the following Clause—

“Statements on Bills affecting Trade Union political funds

- (1) A Minister of the Crown in charge of a Bill in either House of Parliament must, before Second Reading of the Bill, if the Bill contains provisions which are likely to affect the machinery of Trade Union political funds:
- (a) make a statement to the effect that the Bill has been introduced with the agreement of the leaders of all the political parties represented in the House of Commons, or
 - (b) make a statement to the effect that the Bill has been introduced without the agreement of the leaders of all the political parties represented in the House of Commons
- as the case may be.
- (2) The statement must be in writing and be published in such manner as the Minister making it considers appropriate.”
-

Ms Angela Eagle [R]
Stephen Doughty [R]
Ian Murray [R]

NC10

☆ To move the following Clause—

“The Certification Officer

In section 254 of the 1992 Act (The Certification Officer) for subsections (2), (3) and (4) substitute—

- “(2) The Certification Officer shall be appointed by the Judicial Appointments Commission, and the person appointed shall have expertise in trade union law.”

ORDER OF THE HOUSE [14 SEPTEMBER 2015]

That the following provisions shall apply to the Trade Union Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Trade Union Bill, *continued**Proceedings in Public Bill Committee*

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 27 October.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.

ORDER OF THE COMMITTEE [13 OCTOBER 2015, AS AMENDED ON 15
OCTOBER 2015]

That—

- (1) the Committee shall (in addition to its first meeting at 9.25am on Tuesday 13 October) meet—
 - (a) at 2.00 pm on Tuesday 13 October;
 - (b) at 11.30am and 2.00pm on Thursday 15 October;
 - (c) at 9.25am and 2.00 pm on Tuesday 20 October;
 - (d) at 11.30am and 2.00 pm on Thursday 22 October;
 - (e) at 9.25am and 2.00 pm on Tuesday 27 October;
- (2) the Committee shall hear oral evidence in accordance with the following Table:

TABLE

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 13 October	Until no later than 10.15 am	Confederation of British Industry; British Chamber of Commerce; Arriva
Tuesday 13 October	Until no later than 10.45 am	Community; Union of Shop, Distributive and Allied Workers
Tuesday 13 October	Until no later than 11.15 am	Thompsons Solicitors; Chartered Institute of Personnel and Development
Tuesday 13 October	Until no later than 2.30 pm	2020 Health

Trade Union Bill, continued

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 13 October	Until no later than 3.15 pm	London Travel Watch; Transport Focus
Tuesday 13 October	Until no later than 3.45 pm	Amnesty; Liberty; Blacklist Support Group
Tuesday 13 October	Until no later than 4.15 pm	TaxPayers' Alliance; Abellio
Tuesday 13 October	Until no later than 5.00 pm	Welsh Government; Scottish Government; Scottish Trade Union Congress
Thursday 15 October	Until no later than 12 noon	National Police Chiefs' Council; Police Federation
Thursday 15 October	Until no later than 12.30 pm	SITA UK; London Fire Brigade
Thursday 15 October	Until no later than 1.00 pm	Trade Union and Labour Party Liaison
Thursday 15 October	Until no later than 2.30 pm	Professor Keith Ewing, Professor of Public Law, King's College London
Thursday 15 October	Until no later than 3.00 pm	Royal College of Nursing; Royal College of Midwives; Public and Commercial Services Union; Fire Brigades Union; NASUWT
Thursday 15 October	Until no later than 4.15 pm	Unite; Unison; GMB; Trade Union Congress
Thursday 15 October	Until no later than 5.00 pm	Department for Business, Innovation and Skills; Cabinet Office

- (3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 14; Schedules 1 and 2; Clauses 15 and 16; Schedule 3; Clauses 17 and 18; Schedule 4; Clauses 19 to 22; remaining proceedings on the Bill;
- (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Tuesday 27 October.

NOTICES WITHDRAWN

The following Notices were withdrawn on 14 October:

Trade Union Bill, *continued*

The following Notices were withdrawn on 15 October:

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