

LORDS AMENDMENTS TO THE  
TRADE UNION BILL

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*[The page and line references are to HL Bill 74, the bill as first printed for the Lords]*

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**Clause 3**

- 1 Page 2, line 5, leave out from “are” to end of line 8 and insert “at the relevant time normally engaged in the provision of important public services, unless at that time the union reasonably believes this not to be the case.”

**After Clause 3**

- 2 Insert the following new Clause –

*“Electronic balloting*

**Provision for electronic balloting: review and piloting scheme**

- (1) The Secretary of State shall commission an independent review, the report of which shall be laid before each House of Parliament, on the delivery of secure methods of electronic balloting for the purpose of ballots held under section 226 of the 1992 Act (requirement of ballot before action by trade union).
- (2) The use of pilot schemes shall be permitted to inform the design and implementation of electronic balloting before it is rolled out across union strike ballots.
- (3) The Secretary of State must consider the report and publish and lay before each House of Parliament a strategy for the rollout of secure electronic balloting.
- (4) For the purpose of preparing the strategy under subsection (3), the Secretary of State must consult relevant organisations including professionals from expert associations to seek their advice and recommendations.
- (5) The review under subsection (1) shall be commissioned within 6 months of the passing of this Act.”

**Clause 4**

- 3 Page 2, line 32, leave out “reasonably detailed indication” and insert “summary”

**Clause 7**

- 4 Page 4, leave out line 4 and insert “subsection (4), for paragraph (b) substitute –  
“(b) ending with the 14th day before the starting date, or the seventh day before that date if the union and the employer so agree.  
In paragraph (b) “starting date” means the day, or the first of the days, specified in the relevant notice.””

**Clause 8**

- 5 Page 4, line 14, leave out from “period” to end of line 15 and insert “, beginning with the date of the ballot –  
(a) of six months, or  
(b) of such longer duration not exceeding nine months as is agreed between the union and the members’ employer.”

**Clause 9**

- 6 Page 5, line 19, leave out “a badge, armband or other item” and insert “something”

**Clause 10**

- 7 Page 5, line 40, leave out from beginning to end of line 36 on page 6 and insert –
- “(1) A person who, after the transition period, joins a trade union that has a political fund at the time the person joins shall, on the trade union membership form (whether paper or electronic), be asked whether or not the person wishes to contribute to the political fund, and informed that the decision shall not affect any other aspects of the person’s membership.
  - (2) It shall be unlawful to require a person who joins a trade union after the transition period to make a contribution to any political fund of that trade union if the person has not given to the trade union notice –
    - (a) on the membership form (whether paper or electronic), or
    - (b) in accordance with subsection (6),of the person’s willingness to contribute to that fund.
  - (3) It shall be unlawful for any trade union which does not have in force a political resolution under section 73 (political resolution) at the end of the transition period, but which subsequently passes a political resolution under that section, to require a member of the trade union to make a contribution to the political fund if the member has not given notice to the trade union in accordance with subsection (6) of the member’s willingness to contribute to that fund.
  - (4) A member of a trade union who contributes to a political fund but wishes to cease contributing to that political fund shall give notice to that effect to the trade union in accordance with subsection (6).

- (5) A member of a trade union who gives notice under subsection (4) shall, after the end of the period of one month beginning with the day on which it is given, no longer be required to contribute to the political fund.
- (6) Notice under subsection (2), (3) or (4) may be given to a trade union by being delivered –
  - (a) to the head office of the trade union, or
  - (b) to a branch office of the trade union,
 in person, by any authorised agent, by post, or by electronic means.
- (7) The Certification Officer shall, within six months of section 10 of the Trade Union Act 2016 coming into force, issue a code of practice which must set out the minimum level of communications which trade unions with political funds must have every year with political fund contributors about their right to cease contributing to the political fund.
- (8) The Certification Officer must monitor the compliance of trade unions with political funds with the code of practice issued under subsection (7), and shall in their annual report under section 258 (annual report and accounts) set out their findings.
- (9) In this Act “contributor”, in relation to the political fund of a trade union, means a member who makes a contribution to the political fund and has not given notice to the trade union under subsection (4).
- (10) In this section “the transition period” means the period to be specified by the Secretary of State in regulations made by statutory instrument following consultation with the Certification Officer and all trade unions which have a political fund.
- (11) The period to be specified by the Secretary of State under subsection (10) shall be no less than 12 months, and shall start on the day on which section 10 of the Trade Union Act 2016 comes into force.
- (12) A statutory instrument containing regulations under subsection (10) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

8 Page 7, line 7, leave out subsections (3) to (5)

#### **Clause 11**

9 Page 7, leave out lines 23 to 33 and insert –

- “(1) This section applies where the expenditure of a trade union paid out of its political fund in any calendar year exceeds £2,000 in total.
- (2) The union’s return for that year under section 32 must give the required information (see subsections (2A) to (2E)) for each category of expenditure paid out of its political fund; and for this purpose –
  - (a) expenditure falling within paragraph (a) of section 72(1) is one category of expenditure, expenditure falling within paragraph (b) of section 72(1) is another, and so on;

- (b) expenditure not falling within section 72(1) is a further category of expenditure.
- (2A) For expenditure falling within section 72(1)(a), (b) or (e) the required information is –
- (a) the name of each political party in relation to which money was expended;
  - (b) the total amount expended in relation to each one.
- (2B) For expenditure falling within section 72(1)(c) the required information is –
- (a) each election to a political office in relation to which money was expended;
  - (b) in relation to each election –
    - (i) the name of each political party to which money was paid, and the total amount paid to each one;
    - (ii) the name of each other organisation to which money was paid, and the total amount paid to each one;
    - (iii) the name of each candidate in relation to whom money was expended (or, where money was expended in relation to candidates in general of a particular political party, the name of the party), and the total amount expended in relation to each one (excluding expenditure within sub-paragraph (i) or (ii));
    - (iv) the total amount of all other expenditure incurred.
- (2C) For expenditure falling within section 72(1)(d) the required information is –
- (a) the name of each holder of a political office on whose maintenance money was expended;
  - (b) the total amount expended in relation to each one.
- (2D) For expenditure falling within section 72(1)(f) the required information is –
- (a) the name of each organisation to which money was paid, and the total amount paid to each one;
  - (b) the name of each political party or candidate that people were intended to be persuaded to vote for, or not to vote for, and the total amount expended in relation to each one (excluding expenditure within paragraph (a)).
- (2E) For expenditure not falling within section 72(1) the required information is –
- (a) the nature of each cause or campaign for which money was expended, and the total amount expended in relation to each one;
  - (b) the name of each organisation to which money was paid (otherwise than for a particular cause or campaign), and the total amount paid to each one;
  - (c) the total amount of all other money expended.”

- 10 Page 7, leave out lines 34 to 36 and insert –
- “(3) The Secretary of State may by regulations made by statutory instrument amend subsection (1) by substituting a different amount, which may not be less than £2,000, for the amount for the time being specified in that subsection.
  - (3A) Regulations under subsection (3) that substitute a higher amount shall be subject to annulment in pursuance of a resolution of either House of Parliament.
  - (3B) No regulations under subsection (3) that substitute a lower amount shall be made unless a draft of them has been laid before Parliament and approved by a resolution of each House of Parliament.”

- 11 Page 7, line 43, at end insert –
- “( ) In this section “candidate”, “electors” and “political office” have the same meaning as in section 72.”

#### **Clause 12**

- 12 Page 8, line 10, after “regulations” insert “made by statutory instrument”
- 13 Page 8, line 13, after “authority” insert “specified, or of a description specified, in the regulations”
- 14 Page 8, leave out lines 36 to 39 and insert “may make different provision for different employers or different categories of employer”
- 15 Page 9, line 11, leave out “partly” and insert “mainly”
- 16 Page 9, line 24, leave out from beginning to second “shall” and insert “No regulations containing provision made by virtue of subsection (9) shall be made unless a draft of the statutory instrument containing them has been laid before Parliament and approved by a resolution of each House.
- (13) Regulations under this section to which subsection (12) does not apply”

#### **Clause 13**

- 17 Leave out Clause 13

#### **Clause 14**

- 18 Page 11, leave out lines 10 and 11 and insert –
- “(1) A relevant public sector employer may make deductions from its workers’ wages in respect of trade union subscriptions only if –
    - (a) those workers have the option to pay their trade union subscriptions by other means, and
    - (b) arrangements have been made for the union to make reasonable payments to the employer in respect of the making of the deductions.
  - (1A) Payments are “reasonable” for the purposes of subsection (1) if the employer is satisfied that the total amount of the payments is substantially equivalent to the total cost to public funds of making the deductions.”

19 Page 11, line 17, leave out “partly” and insert “mainly”

20 Page 12, leave out lines 1 to 3 and insert –  
““trade union subscriptions” means payments to a trade union  
in respect of a worker’s membership of the union;”

#### **Before Clause 15**

21 Insert the following new Clause –

#### **“Certification Officer not subject to ministerial direction**

In section 254 of the 1992 Act (the Certification Officer), at the end of subsection (2) insert “(but is not subject to directions of any kind from any Minister of the Crown as to the manner in which he is to exercise his functions)”.

#### **Clause 18**

22 Page 15, leave out line 17 and insert –

“( ) a federated trade union,  
( ) a trade union that is not a federated trade union,”

23 Page 15, leave out line 23 and insert –

“( ) functions in relation to federated trade unions,  
( ) functions in relation to trade unions that are not federated  
trade unions,”

24 Page 15, line 42, at end insert –

““federated trade union” has the same meaning as in section 118;”

#### **After Clause 18**

25 Insert the following new Clause –

#### **“Rights of appeal not limited to questions of law**

In each of the following provisions of the 1992 Act, for “on any question of law arising” substitute “on any question arising” –

- (a) section 45D (appeal from Certification Officer on question arising in proceedings etc under section 24B, 24C, 25, 31, 32ZC or 45C);
- (b) section 56A (appeal from Certification Officer on question arising in proceedings etc under section 55);
- (c) section 95 (appeal from Certification Officer on question arising in proceedings etc under Chapter 6 of Part 1);
- (d) section 104 (appeal from Certification Officer on question arising in proceedings etc under section 103);
- (e) section 108C (appeals from Certification Officer on question arising in proceedings etc under Chapter 7A of Part 1).”

#### **Schedule 1**

26 Page 18, line 45, leave out from “If” to “that” in line 46 and insert “the Certification Officer has reasonable grounds to suspect”

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**Schedule 4**

- 27** Page 29, line 24, leave out paragraph 1 and insert—
- “ Omit section 24C and sections 24ZH to 24ZK of the 1992 Act (which are superseded by the inserted Schedule set out in Schedule 1 to this Act).
- In section 25 of the 1992 Act (remedy for failure: application to Certification Officer) in subsection (6A), for “section 24ZH or 24ZI” substitute “paragraph 2 or 3 of Schedule A3”.
- In section 45D of the 1992 Act (appeals from Certification Officer)—
- (a) omit “24C,”;
- (b) after “45C” insert “or paragraph 5 of Schedule A3”.”
- 28** Page 31, line 9, at end insert—
- “ In section 256 of the 1992 Act (procedure before the Certification Officer), in subsection (1)(c), for the words after “declaration or” substitute “order under section 24B, 32ZC, 45C, 55, 72A, 80, 82 or 103 or under paragraph 5 of Schedule A3”.”
- 29** Page 31, line 37, leave out paragraphs 19 and 20

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