

# Trade Union Bill

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SECOND  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON REPORT

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*The amendments have been marshalled in accordance with the Order of 15th March 2016, as follows –*

Clauses 14 and 15	Clauses 18 and 19
Schedules 1 and 2	Schedule 4
Clauses 16 and 17	Clauses 20 to 23
Schedule 3	Title

*[Amendments marked ★ are new or have been altered]*

**Amendment  
No.**

**Clause 14**

LORD BALFE  
LORD KERSLAKE  
LORD CORMACK  
LORD STONEHAM OF DROXFORD

- 21** Page 11, line 15, at end insert “unless there exists an agreement between the employer and a trade union which provides for –
- (a) the remittance by the employer to the trade union of those deductions;
  - (b) the making of a payment by the trade union to the employer in respect of that remittance; and
  - (c) the option for a worker to pay their subscriptions by other means.
- (1A) Costs charged to a trade union under subsection (1) must be judged to be reasonable by the Certification Officer.”

BARONESS NEVILLE-ROLFE

- 21A** Page 11, line 21, leave out “partly” and insert “mainly”

**Clause 14 - continued**

BARONESS MORGAN OF ELY  
LORD WIGLEY  
BARONESS RANDESON  
LORD HAIN

- 22 Page 12, line 3, at end insert –  
“(8A) None of the provisions of this section shall apply to services the provision of which is devolved wholly or partially to the Welsh Government.”

23 [Withdrawn]

**Schedule 1**

BARONESS NEVILLE-ROLFE

- 23A Page 19, line 45, leave out from “If” to “that” in line 46 and insert “the Certification Officer has reasonable grounds to suspect”
- 24 [Withdrawn]
- 25 [Withdrawn]
- 26 [Withdrawn]
- 27 [Withdrawn]
- 28 [Withdrawn]
- 29 [Withdrawn]
- 30 [Withdrawn]
- 31 [Withdrawn]

**Schedule 2**

LORD COLLINS OF HIGHBURY

- 31A★ Leave out Schedule 2 and insert the following new Schedule –

“SCHEDULE 2

CERTIFICATION OFFICER: APPOINTMENT, EXERCISE OF POWERS,  
JURISDICTION AND OVERSIGHT

After section 254 of the 1992 Act insert –

**“254A Certification Officer: appointment, exercise of powers, jurisdiction and oversight**

- (1) The Certification Officer shall be independent of the Secretary of State and it shall be unlawful for the Secretary of State to issue any direction to the Certification Officer in relation to the exercise of his powers under this Act or in any way to seek to interfere with or influence the Certification Officer in relation to the exercise of his powers under this Act.
- (2) The appointment of the Certification Officer in accordance with section 254(2) shall not take effect until it has been approved by the Office of the Commissioner for Public Appointments.

**Schedule 2 - continued**

- (3) The powers granted to the Certification Officer by Schedule A3 of this Act are only exercisable—
- (a) where the Certification Officer has received an application or complaint of an alleged breach of relevant obligations by a trade union from—
    - (i) a member of that trade union; or
    - (ii) a person who is not a member of that trade union but whom the Certification Officer is satisfied has sufficient interest in the matters complained of and has suffered or may suffer detriment as a result of the breach complained of and who is entitled to make an application or complaint under the terms of this Act;
  - (b) for the purpose of enabling the Certification Officer to determine whether there is sufficient evidence of a possible breach of relevant obligations to justify the application or complaint proceeding or whether the application or complaint should be struck out in accordance with section 256ZA of this Act; and
  - (c) where the Certification Officer is satisfied that the exercise of his powers is, in the circumstances, compatible with Convention rights within the meaning of section 1 of the Human Rights Act 1998 and the Certification Officer has, prior to exercising his powers, issued a notice to that effect to the relevant trade union and to the applicant or complainant.
- (4) Subsection (3) does not apply to the powers granted to the Certification Officer by or in relation to sections 24ZA to 24ZK, 24B, 24C, 37A, 37B and 37C of this Act.
- (5) Notwithstanding any other provisions of this Act, the Certification Officer shall only have jurisdiction and may only exercise his powers in relation to any of the requirements of this Act where he is in receipt of a complaint made to him by a member of the relevant trade union or by a person who is not a member of the trade union but whom the Certification Officer is satisfied has sufficient interest in the matters complained of and has suffered or may suffer detriment as a result of the breach complained of.
- (6) Any regulations made under section 257A of this Act shall include provision for the establishment of an independent levy review panel which shall review the amounts which the Certification Officer proposes to levy by virtue of section 257A in the year in question and how those amounts are determined, and which shall only approve such amounts as are reasonable and proportionate.
- (7) No trade union shall be liable to pay or contribute to a levy which has not been so approved.
- (8) The independent levy review panel shall be chaired by an independent person whose appointment has been approved by the Office of the Commissioner for Public Appointments and at least half of the members of the Panel shall be appointed by the Trades Union Congress.””

**Clause 18**

BARONESS NEVILLE-ROLFE

- 31B** Page 15, leave out line 26 and insert—  
 “( ) a federated trade union,  
 ( ) a trade union that is not a federated trade union,”
- 31C** Page 15, leave out line 32 and insert—  
 “( ) functions in relation to federated trade unions,  
 ( ) functions in relation to trade unions that are not federated trade unions,”
- 31D** Page 16, line 6, at end insert—  
 ““federated trade union” has the same meaning as in section 118;”

**After Clause 18**

BARONESS NEVILLE-ROLFE

- 31E** 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).”

BARONESS PROSSER  
LORD MENDELSON

- 31F** Insert the following new Clause—  
**“Codes of Practice: employee engagement**  
 In section 203 of the 1992 Act (issue of Codes of Practice by the Secretary of State), after subsection (1) insert—  
 “(1A) The Codes of Practice issued by the Secretary of State for the purpose of promoting the improvement of industrial relations must encourage all employers, in both the private and public sectors, to have due regard to the establishment of mechanisms via trade unions that encourage and enable effective employee engagement in industrial relations.””

**Clause 21**

BARONESS MORGAN OF ELY  
LORD WIGLEY  
BARONESS RANDESON  
LORD HAIN

- 32** Page 16, line 30, at end insert “, subject to subsection (2).  
(2) This Act does not affect public bodies in Wales.”

**Clause 22**

BARONESS HAYTER OF KENTISH TOWN  
BARONESS WHEELER

- 33** Page 16, line 33, after “passed)” insert “, and sections 12 and 14”
- 34** Page 16, line 34, at end insert –  
“( ) Sections 12 and 14 come into force at the end of the period of five years  
beginning with the day on which this Act is passed.”

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*15 April 2016*

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