



Department  
for Education

Jonathan Djanogly MP  
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During the Report stage of the Trade Union Bill on 10 November, you raised the important question of whether a decision not to contribute to a political fund will mean that a member's overall contribution will not necessarily be reduced by the amount of the political levy.

### **The legislation**

As you will know, the Trade Union and Labour Relations (Consolidation) Act 1992 currently requires that where members opt out of the fund, unions can either collect a separate levy from those who do contribute or establish an alternative method of ensuring that exempt members are given relief from the political element of any subscriptions (for example via a refund or a payment "holiday"). Either way, those who do not wish to contribute to the fund should not be financially disadvantaged. Case law supports the view that a failure by a union to reduce or refund the subscriptions to take account of the opt-out from the political levy would be a breach of the requirements.

The legislation also provides that, so far as possible, the relief from payment must be given during the same period for which the subscription is due and each member has to know what portion, if any, of his or her contribution is a contribution to the political fund.

### **Reporting to the Certification Officer**

In addition, the Certification Officer requires unions to complete a form on political fund expenditure as part of their annual return. Unions are asked to provide information on the number of members contributing, the number not contributing and the number who have completed an exemption notice (and do not therefore contribute to the political fund).



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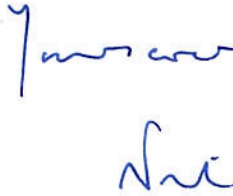
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This is a way of tracking whether contributions are reduced in accordance with the legislation. A failure by a union to reduce the amount paid by an exempt member would be a breach of the union rules and a breach of the legislation.

We are retaining all the legislative provisions and safeguards regarding the political levy and members' contributions in the Trade Union Bill. In addition, we have provided in the Bill that as well as members bringing complaints to the CO, the CO will be able to look into any concerns or discrepancies of his own accord.

I hope this deals with your very valid question though I would be very happy to discuss further if you would like to.

A handwritten signature in blue ink, appearing to read 'Nick Boles', consisting of a vertical line followed by a series of connected loops and a final flourish.

**NICK BOLES MP**