



Trade Union and Labour Relations (Consolidation) Act 1992

1992 CHAPTER 52

PART I

TRADE UNIONS

CHAPTER IV

ELECTIONS FOR CERTAIN POSITIONS

Duty to hold elections

46 Duty to hold elections for certain positions.

- (1) A trade union shall secure—
 - (a) that every person who holds a position in the union to which this Chapter applies does so by virtue of having been elected to it at an election satisfying the requirements of this Chapter, and
 - (b) that no person continues to hold such a position for more than five years without being re-elected at such an election.
- (2) The positions to which this Chapter applies (subject as mentioned below) are—
 - (a) member of the executive,
 - (b) any position by virtue of which a person is a member of the executive,
 - (c) president, and
 - (d) general secretary;

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- (3) In this Chapter “member of the executive” includes any person who, under the rules or practice of the union, may attend and speak at some or all of the meetings of the

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executive, otherwise than for the purpose of providing the committee with factual information or with technical or professional advice with respect to matters taken into account by the executive in carrying out its functions.

- (4) This Chapter does not apply to the position of president or general secretary if the holder of that position—
- (a) is not, in respect of that position, either a voting member of the executive or an employee of the union,
 - (b) holds that position for a period which under the rules of the union cannot end more than 13 months after he took it up, and
 - (c) has not held either position at any time in the period of twelve months ending with the day before he took up that position.

[^{F2}(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.]

- (5) [^{F3}In subsection (4)] A “voting member of the executive” means a person entitled in his own right to attend meetings of the executive and to vote on matters on which votes are taken by the executive (whether or not he is entitled to attend all such meetings or to vote on all such matters or in all circumstances).

[^{F4}(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.]

- (6) The provisions of this Chapter apply notwithstanding anything in the rules or practice of the union; and the terms and conditions on which a person is employed by the union shall be disregarded in so far as they would prevent the union from complying with the provisions of this Chapter.

Textual Amendments

F1 Words in s. 46(2) repealed (6.4.2005) by [Employment Relations Act 2004 \(c. 24\)](#), s. 52(2), 57(2), 59(2)-(4), [Sch. 2](#), S.I. 2005/872, {art. 4}, Sch. (with arts. 6-21)

F2 [S. 46\(4A\)](#) inserted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\)](#), [ss. 52\(3\)](#), 59(2)-(4); S.I. 2005/872, [art. 4](#), Sch. (with arts. 6-21)

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- F3** Words in s. 46(5) inserted (6.4.2005) by Employment Relations Act 2004 (c. 24), **ss. 52(4), 59(2)-(4)**; S.I. 2005/872, **art. 4, Sch.** (with arts. 6-21)
- F4** S. 46(5A)(5B) inserted (6.4.2005) by Employment Relations Act 2004 (c. 24), **ss. 52(5), 59(2)-(4)**; S.I. 2005/872, **art. 4, Sch.** (with arts. 6-21)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 212A(1)(zb) inserted by [2023 c. 46 Sch. para. 1](#)