



# Trade Union and Labour Relations (Consolidation) Act 1992

## 1992 CHAPTER 52

### PART I

#### TRADE UNIONS

#### CHAPTER III

#### TRADE UNION ADMINISTRATION

#### *Register of members' names and addresses*

#### **[<sup>F1</sup>24B Enforcement of sections 24 to 24ZC by Certification Officer**

- (1) Where the Certification Officer is satisfied that a trade union has failed to comply with any of the requirements of section 24, 24ZA, 24ZB or 24ZC (duties etc relating to the register of members), the Officer may make a declaration to that effect.
- (2) Before making such a declaration, the Certification Officer—
  - (a) may make such enquiries as the Officer thinks fit,
  - (b) must give the union an opportunity to make written representations, and
  - (c) may give the union an opportunity to make oral representations.
- (3) If the Certification Officer makes a declaration it must specify the provisions with which the union has failed to comply.
- (4) Where the Certification Officer makes a declaration and is satisfied—
  - (a) that steps have been taken by the union with a view to remedying the declared failure or securing that a failure of the same or any similar kind does not occur in future, or
  - (b) that the union has agreed to take such steps,

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*Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Section 24B is up to date with all changes known to be in force on or before 06 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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the Officer must specify those steps in the declaration.

- (5) Where a declaration is made, the Certification Officer must give reasons in writing for making the declaration.
- (6) Where a declaration is made, the Certification Officer must also make an enforcement order unless the Officer considers that to do so would be inappropriate.
- (7) An “enforcement order” is an order imposing on the union one or both of the following requirements—
  - (a) to take such steps to remedy the declared failure, within such period, as may be specified in the order;
  - (b) to abstain from such acts as may be so specified with a view to securing that a failure of the same or a similar kind does not occur in future.
- (8) Where, having given the union an opportunity to make written representations under subsection (2)(b), the Certification Officer determines not to make a declaration under subsection (1), the Officer must give the union notice in writing of that determination.
- (9) Where the Certification Officer requests a person to provide information to the Officer in connection with enquiries under this section, the Officer must specify the date by which that information is to be provided.
- (10) Where the information is not provided by the specified date, the Certification Officer must proceed with determining whether to make a declaration under subsection (1) unless the Officer considers that it would be inappropriate to do so.
- (11) A declaration made by the Certification Officer under this section may be relied on as if it were a declaration made by the court.
- (12) An enforcement order made by the Certification Officer under this section may be enforced [<sup>F2</sup>by the Officer] in the same way as an order of the court.
- (13) Where an enforcement order has been made, a person who is a member of the union and was a member at the time it was made is entitled to enforce obedience to the order as if the order had been made on an application by that person.]

#### Textual Amendments

- F1** Ss. 24B, 24C inserted (1.6.2016) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), **ss. 43(2)**, 45(1)(c); S.I. 2015/717, art. 4(b)
- F2** Words in s. 24B(12) inserted (1.4.2022) by [Trade Union Act 2016 \(c. 15\)](#), **ss. 19(4)**, 25(1); S.I. 2021/1373, [reg. 4\(c\)](#) (with [reg. 15](#))

**Changes to legislation:**

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[View outstanding changes](#)

**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](#)