
STATUTORY INSTRUMENTS

2004 No. 3078

The Employment Relations (Northern Ireland) Order 2004

PART VI

MISCELLANEOUS

Provision of money for trade union modernisation

29.—(1) The Department may provide money to a trade union to enable or assist it to do any or all of the following—

- (a) improve the carrying out of any of its existing functions;
- (b) prepare to carry out any new function;
- (c) increase the range of services it offers to persons who are or may become members of it;
- (d) prepare for an amalgamation or the transfer of any or all of its engagements;
- (e) ballot its members (whether as a result of a requirement imposed by the 1995 Order or otherwise).

(2) No money shall be provided to a trade union under this Article unless at the time when the money is provided the union has a certificate of independence.

(3) Money may be provided in such a way as the Department thinks fit (whether as grants or otherwise) and on such terms as it thinks fit (whether as to repayment or otherwise).

(4) If money is provided to a trade union under this Article, the terms on which it is so provided shall be deemed to include a prohibition (“a political fund prohibition”) on any of it being added to the political fund of the union.

(5) If a political fund prohibition is contravened, the Department—

- (a) is entitled to recover from the trade union as a debt due to it an amount equal to the amount of money added to the union’s political fund in contravention of the prohibition (whether or not that money continues to form part of the political fund); and
- (b) must take such steps as are reasonably practicable to recover that amount.

(6) An amount recoverable under paragraph (5) is a liability of the trade union’s political fund.

(7) Paragraph (5) does not prevent money provided to a trade union under this Article from being provided on terms containing further sanctions for a contravention of the political fund prohibition.

(8) In this Article—

- (a) “trade union” has the meaning assigned to it by Article 3(1) of the 1992 Order; but
- (b) paragraph (2) does not apply to a trade union which consists wholly or mainly of constituent or affiliated organisations or representatives of such organisations, as described in sub-paragraph (b) of the definition in Article 3(1) of that Order.