



Trade Union and Labour Relations (Consolidation) Act 1992

1992 CHAPTER 52

PART I

TRADE UNIONS

CHAPTER V

RIGHTS OF TRADE UNION MEMBERS

Right to a ballot before industrial action

62 Right to a ballot before industrial action.

- (1) A member of a trade union who claims that members of the union, including himself, are likely to be or have been induced by the union to take part or to continue to take part in industrial action which does not have the support of a ballot may apply to the court for an order under this section.

^{F1}[In this section “the relevant time” means the time when the application is made.]

- [^{F2}(2) For this purpose the question whether industrial action is regarded as having the support of a ballot shall be determined in accordance with section 226(2).]

- (3) Where on an application under this section the court is satisfied that the claim is well-founded, it shall make such order as it considers appropriate for requiring the union to take steps for ensuring—
- (a) that there is no, or no further, inducement of members of the union to take part or to continue to take part in the industrial action to which the application relates, and

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- (b) that no member engages in conduct after the making of the order by virtue of having been induced before the making of the order to take part or continue to take part in the action.
- (4) Without prejudice to any other power of the court, the court may on an application under this section grant such interlocutory relief (in Scotland, such interim order) as it considers appropriate.
- (5) For the purposes of this section an act shall be taken to be done by a trade union if it is authorised or endorsed by the union; and the provisions of section 20(2) to (4) apply for the purpose of determining whether an act is to be taken to be so authorised or endorsed.
- Those provisions also apply in relation to proceedings for failure to comply with an order under this section as they apply in relation to the original proceedings.
- (6) In this section—
- “inducement” includes an inducement which is or would be ineffective, whether because of the member’s unwillingness to be influenced by it or for any other reason; and
- “industrial action” means a strike or other industrial action by persons employed under contracts of employment.
- (7) Where a person holds any office or employment under the Crown on terms which do not constitute a contract of employment between that person and the Crown, those terms shall nevertheless be deemed to constitute such a contract for the purposes of this section.
- (8) References in this section to a contract of employment include any contract under which one person personally does work or performs services for another; and related expressions shall be construed accordingly.
- (9) Nothing in this section shall be construed as requiring a trade union to hold separate ballots for the purposes of this section and sections 226 to 234 (requirement of ballot before action by trade union).

Textual Amendments

- F1** Words in s. 62(1) inserted (30.8.1993) by 1993 c. 19, s. 49(2), **Sch. 8 para. 47(a)**; S.I. 1993/1908, art. 2(1), **Sch. 1**
- F2** S. 62(2) substituted (1.3.2017) by Trade Union Act 2016 (c. 15), s. 25(1), **Sch. 4 para. 4**; S.I. 2017/139, reg. 2(n)(i)

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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](#)