



Trade Union and Labour Relations (Consolidation) Act 1992

1992 CHAPTER 52

PART I

TRADE UNIONS

CHAPTER III

TRADE UNION ADMINISTRATION

Supplementary

45 Offences.

- (1) If a trade union refuses or wilfully neglects to perform a duty imposed on it by or under any of the provisions of—
 - section 27 (duty to supply copy of rules),
 - sections 28 to 30 (accounting records),
 - [^{F1}section 32 (but not sections 32ZA and 32ZB) and sections 32A] to 37 (annual return, [^{F2}statement for members,] accounts and audit), or
 - sections 38 to 42 (members' superannuation schemes),it commits an offence.
- (2) The offence shall be deemed to have been also committed by—
 - (a) every officer of the trade union who is bound by the rules of the union to discharge on its behalf the duty breach of which constitutes the offence, or
 - (b) if there is no such officer, every member of the general committee of management of the union.

Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Section 45 is up to date with all changes known to be in force on or before 07 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

- (3) In any proceedings brought against an officer or member by virtue of subsection (2) in respect of a breach of duty, it is a defence for him to prove that he had reasonable cause to believe, and did believe, that some other person who was competent to discharge that duty was authorised to discharge it instead of him and had discharged it or would do so.
- (4) A person who wilfully alters or causes to be altered a document which is required for the purposes of any of the provisions mentioned in subsection (1), with intent to falsify the document or to enable a trade union to evade any of those provisions, commits an offence.
- ^{F3}(5) If a person contravenes any duty, or requirement imposed, under section 37A (power of Certification officer to require production of documents etc.) or 37B (investigations by inspectors) he commits an offence.
- (6) In any proceedings brought against a person in respect of a contravention of a requirement imposed under section 37A(3) or 37B(4) to produce documents it is a defence for him to prove—
- (a) that the documents were not in his possession, and
 - (b) that it was not reasonably practicable for him to comply with the requirement.
- (7) If an official or agent of a trade union—
- (a) destroys, mutilates or falsifies, or is privy to the destruction, mutilation or falsification of, a document relating to the financial affairs of the trade union, or
 - (b) makes, or is privy to the making of, a false entry in any such document,
- he commits an offence unless he proves that he had no intention to conceal the financial affairs of the trade union or to defeat the law.
- (8) If such a person fraudulently—
- (a) parts with, alters or deletes anything in any such document, or
 - (b) is privy to the fraudulent parting with, fraudulent alteration of or fraudulent deletion in, any such document,
- he commits an offence.
- (9) If a person in purported compliance with a duty, or requirement imposed, under section 37A or 37B to provide an explanation or make a statement—
- (a) provides or makes an explanation or statement which he knows to be false in a material particular, or
 - (b) recklessly provides or makes an explanation or statement which is false in a material particular,
- he commits an offence.]

Textual Amendments

- F1** Words in s. 45(1) substituted (1.3.2017) by Trade Union Act 2016 (c. 15), ss. 18(3), 25(1); S.I. 2017/139, reg. 2(m)
- F2** Words in s. 45(1) inserted (1.1.1994) by 1993 c. 19, s. 49(2), Sch. 8 para.45; S.I. 1993/1908, art. 2(3), Sch.3
- F3** S. 45(5)-(9) substituted (30.8.1993) for s. 45(5) by 1993 c. 19, s. 11(1); S.I. 1993/1908, art. 1(2), Sch. 1

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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](#)