

MODEL RULES FOR POLITICAL FUND

NOTE - These model rules are drafted to satisfy the statutory requirements of the Trade Union and Labour Relations (Consolidation) Act 1992. Subject to these statutory requirements, the Certification Officer will consider in each case any additions which a union may desire to make for the purpose of its own political fund.

..... (Name of Union)

RULES FOR POLITICAL FUND

1. The objects of.....shall include the furtherance of the political objects to which section 72 of the amended Trade Union and Labour Relations (Consolidation) Act 1992 (the Act) applies. These objects are:-

1.1. The expenditure of money -

- (a) on any contribution to the funds of, or on the payment of expenses incurred directly or indirectly by, a political party;
- (b) on the provision of any service or property for use by or on behalf of any political party;
- (c) in connection with the registration of electors, the candidature of any person, the selection of any candidate or the holding of any ballot by the union in connection with any election to a political office;
- (d) on the maintenance of any holder of a political office;
- (e) on the holding of any conference or meeting by or on behalf of a political party or of any other meeting the main purpose of which is the transaction of business in connection with a political party;
- (f) on the production, publication or distribution of any literature, document, film, sound recording or advertisement the main purpose of which is to persuade people to vote for a political party or candidate or to persuade them not to vote for a political party or candidate.

1.2. Where a person attends a conference or meeting as a delegate or otherwise as a participator in the proceedings, any expenditure incurred in connection with his/her attendance as such shall, for the purposes of paragraph (e) above, be taken to be expenditure incurred on the holding of the conference or meeting.

1.3. In determining, for the purposes of paragraphs (a) to (f) above, whether the trade union has incurred expenditure of a kind mentioned in those paragraphs no account shall be taken of the ordinary administrative expenses of the union.

1.4. In these objects -

"candidate" means a candidate for election to a political office and includes a prospective candidate;

"contribution", in relation to the funds of a political party, includes any fee payable for affiliation to, or membership of, the party and any loan made to the party;

"electors" means electors at any election to a political office;

"film" includes any record, however made, of a sequence of visual images, which is capable of being used as a means of showing that sequence as a moving picture;

"local authority" means a local authority within the meaning of section 270 of the Local Government Act 1972 or section 235 of the Local Government (Scotland) Act 1973; and

"political office" means the office of member of Parliament, member of the European Parliament or member of a local authority or any position within a political party.

2. Any payments in the furtherance of such political objects shall be made out of a separate fund of the union (hereinafter called the political fund).
3. A member who does not contribute to the political fund of the union shall not be excluded from any benefits of the union, or placed in any respect either directly or indirectly under any disadvantage as compared with other members of the union (except in relation to the control or management of the political fund) by reason of him/her being so exempt.
4. If any member alleges that s/he is aggrieved by a breach of any of these rules can complain to the Certification Officer. The Certification Officer, after making such enquiries as she thinks fit and after giving the complainant and the union an opportunity of being heard, may, if she considers that a breach has been committed, make an order for remedying the breach as she thinks just in the circumstances. Any such order may, subject to the right of appeal provided by [section 95](#) of the 1992 Act, be enforced in the manner provided for in section [82\(4\)](#) of the 1992 Act.
5. Contribution to the political fund of the union shall not be made a condition for admission to the union.
6. The union shall include in the annual return that is submitted to the Certification Officer details of political expenditure as required by [section 32ZB](#) of the 1992 Act.
7. The union shall ensure that a copy of the political fund rules is available, free of charge, to any member of the union who requests a copy.

Opting in by union members to contribute to political funds

8. A member cannot be required to make a contribution to the political fund of the union unless they have given notice of their willingness to contribute to that fund (an "opt-in notice").
9. A member of a trade union who has given an opt-in notice may withdraw that notice by giving notice to the union (a "withdrawal notice").

10. A withdrawal notice takes effect at the end of the period of one month beginning with the day on which it is given.
11. A member of a trade union may give an opt-in notice or a withdrawal notice:-
 - (a) by delivering the notice (either personally or by an authorised agent or by post) at the head office or a branch office of the union;
 - (b) by sending it by e-mail to the following email address:.....;[union's may wish to establish a single e-mail address for this purpose]
 - (c) by completing an electronic form provided by the union which sets out the notice and sending it to the union by electronic means with instructions by the union.
 - (d) by any other electronic means prescribed under the 1992 Act (as inserted by the 2016 Act)

Information to members about opting in to the political fund

12. The union shall take all reasonable steps to ensure that, all the members of the union are notified of their right to give a withdrawal notice. not later than eight weeks from the date the annual return of the union is sent to the Certification Officer.
13. Such notification may be given:-
 - (a) by sending individual copies of it to members; or
 - (b) by any other means (whether by including the notification in a publication of the union or otherwise) which it is the practice of the union to use when information of general interest to all its members needs to be provided to them.
14. The notification can be included with the statement required to be given [by section 32A](#) of the Act.
15. **[insert Name of Union]** shall send to the Certification Officer a copy of the notification sent to its members as soon as is reasonably practicable after it is provided to members.
16. Where the same form of notification is not provided to all the members of the union, the union will send a copy of each form of notification to the Certification Officer.
17. If any member alleges that s/he is aggrieved by a breach of any of the rules relating to giving information to members about opting into the political fund, s/he can complain to the Certification Officer. The Certification Officer, after making such enquiries as she thinks fit and after giving the complainant and the union an opportunity of being heard, may, if she considers that a breach has been committed, make an order for remedying the breach as she thinks just in the circumstances. Any such order may, subject to the right of appeal provided by [section 95](#) of the 1992, be enforced in the manner provided for in [section 84A](#) of the 1992 Act.

Manner of giving effect to decision not to contribute to political fund

18. The union shall give effect to the member's decision not to contribute to the political fund of the union either:-

- (a) by a separate levy of contributions to that fund from the members who are contributors; or
- (b) by relieving members who are not contributors from the payment of the appropriate portion of any periodical contribution required from members towards the expenses of the union.

19. Relief shall be given as far as possible to all members who are not contributors on the occasion of the same periodical payment.

A member who contributes to the political fund contributes to that fund £... of their annual/quarterly/monthly/weekly contribution. Members who are not contributors to the political fund will have their annual/quarterly/monthly/weekly contribution reduced by the same amount.

20. Any application form that a person has to complete in order to become a member of the union shall include:-

- (a) a statement to the effect that the person may opt to be a contributor to the fund; and
- (b) a statement setting to the effect that a person who chooses not to contribute to the political fund shall not, by reason of not contributing, be excluded from any benefits of the union or be placed in any respect either directly or indirectly at a disadvantage as compared with other members of the union (except in relation to control of the political fund).