POLITICAL FUNDS
A guidance for trade unions and employers’ associations wishing to establish a political fund
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INTRODUCTION

1. This guide explains the procedure to be followed by a trade union and unincorporated employers' association which wishes to establish a political fund. This guidance also contains Model Political Fund Ballot Rules and Model Political Fund Rules, along with a Model Resolution which can be used for adopting such rules.

2. The provisions of the legislation on political funds apply to unincorporated employers' associations as well as trade unions. However for the sake of simplicity this guide refers throughout to trade unions only.

3. The model rules are based on both the statutory provisions and suggestions of good practice made by the Certification Officer. They are intended to provide a workable template for trade unions to use. Trade unions may decide to adopt the model rules as a whole, to adapt them to suit their specific circumstances or to draft their own rules. When the model rules are not adopted as a whole, trade unions should ensure that the rules that are adopted are in compliance with the Act. Rules that deviate from the model rules will be considered by the Certification Officer on an individual basis.

THE STATUTORY PROVISIONS

4. Under the provisions of the Trade Union and Labour Relations (Consolidation) Act 1992 (as amended) (“the Act”) a trade union may not apply any part of its funds in the furtherance of the political objects set out at Section 72 of the Act unless it has established a political fund. The Act applies whether or not the organisation is listed as a trade union or employer's association under the Act. The provisions are not considered in detail in this note, but the political objects are quoted in full in Rule 1 of the Model Political Fund Rules.

5. The Act requires that the union must pass a resolution approving the furtherance of the political objects as an object of the union, by holding a ballot of its members. The ballot must be held under rules which have been approved by the Certification Officer, and the Certification Officer may only approve those ballot rules if he is satisfied they meet all the various requirements of the Act. A simple majority of the members voting will be sufficient to pass the resolution which will then remain in force - unless rescinded - for ten years, after which a “review ballot” is required. There is a separate guidance booklet for review ballots available from the Certification Office website www.gov.uk/certificationofficer.

6. The Act also requires that the union must adopt rules providing that all expenditure on the political objects is to be made out of a separately constituted political fund and that every member of the union is to have the right to claim exemption from contributing to this political fund. These political fund rules must also conform to the requirements of the Act and must be approved by the Certification Officer.
NORTHERN IRELAND

7. Additional requirements apply to any union in Great Britain which has members in Northern Ireland, because the law of Northern Ireland contains different requirements on seeking contributions from members to the political fund.

OUTLINE OF PROCEDURE FOR ESTABLISHING A POLITICAL FUND

8. There are several stages in the procedure for establishing a political fund.

Stage 1
The union sends to the Certification Officer two copies each of:

(i) the proposed ballot rules; and

(ii) the proposed political fund rules.

Stage 2
The Certification Officer gives preliminary approval to both sets of rules if he is satisfied in each case that the proposed rules cover and comply with all the requirements of the Act. He is not able to give formal approval until the rules have been adopted.

Stage 3
The union passes a resolution adopting the ballot rules which were given preliminary approval by the Certification Officer. It is convenient if the political fund rules are conditionally adopted at the same time, and this is normally achieved by passing a "combined resolution" which has three purposes:

(i) to resolve that a ballot should be taken on the question whether the furtherance of the political objects specified in the Act shall become an object of the union;

(ii) to adopt the proposed ballot rules; and

(iii) to resolve that, if a majority of the members voting in that ballot vote in favour, the proposed political fund rules be adopted.

A model form for this combined resolution is reproduced at page 7.

For both sets of rules the model resolution provides that, though adopted by the union into its rule book, the rules are not to come into force until they have been approved by the Certification Officer. The reason for this is that formal approval under the Act must come after the proposed rules have been adopted by the union.

1 Two alternative versions of the Model Ballot Rules are annexed to this guidance. Annex B is appropriate where the roles of the Scrutineer and the Independent person is to be carried out by the same person. Annex C is appropriate where the roles of the Scrutineer and the Independent person are to be carried out by different persons.

2 Model Political Fund Rules are provided at Annex A.
The union may pass the combined resolution in one of three ways:

(i) in the manner provided by the union’s own rules for alteration of rules; or

(ii) by a majority of the members of the union voting for the purpose; or

(iii) by a majority of delegates of the union voting at a meeting called for the purpose.

Adoption can be effected in either of the ways described in (ii) and (iii) by virtue of section 92 of the Act.

The Certification Officer has accepted that condition (iii) above is satisfied by a majority vote on a union’s Executive Committee which was called to approve rules made for the purposes of the legislation relating to political funds.

In both cases the Certification Officer has to certify that the political fund rules have been so approved.

**Stage 4**
The union applies to the Certification Officer for formal approval of the ballot rules (form PF4).

**Stage 5**
The Certification Officer formally approves the ballot rules.

**Stage 6**
The ballot to approve the political fund rules is held in accordance with the approved ballot rules.

**Stage 7**
The union sends the Scrutineer’s report of the result of the ballot to the Certification Officer. If the members have voted in favour of establishing a political fund, the rules of the fund may be submitted for formal approval at the same time. Two copies of the political fund rules given preliminary approval should be submitted to the Certification Officer with the completed form PF4. Both copies of the political fund rules should carry the original signatures of the three union officials who authenticate the rules.

**Stage 8**
The Certification Officer gives formal approval to the political fund rules and one copy of the approved rules is returned to the union with the Certification Officer’s certificate of approval affixed to it.

**Stage 9**
The union informs its members that the political resolution has been passed and that every member has a right to be exempt from contributing to the political fund (see Rule
3 of the Model Rules for a Political Fund), and deals with any applications for exemption which are received.

PREPARATION BY THE TRADE UNION OF DRAFT BALLOT RULES

1. Section 74 of the Act provides that the Certification Officer shall not approve ballot rules unless he is satisfied that a ballot taken in accordance with those rules would satisfy the requirements of section 75 (appointment of independent scrutineer), section 76 (entitlement to vote), section 77 (voting), section 77A (counting of votes etc. by independent person) and section 78 (scrutineer's report).

2. For the assistance of unions the Certification Officer has prepared alternative sets of model ballot rules either of which unions may wish to adopt. These are at Annex B (where the scrutineer is also to act as the independent person) and at Annex C (where the roles of independent person and scrutineer are to be carried out by different persons).

Voting by post

3. Section 77 of the Act requires that all those members entitled to vote must so far as is reasonably practicable be given a convenient opportunity to vote by post at no direct cost to the member.

Entitlement to vote

4. Section 76 of the Act requires that entitlement to vote in the ballot must be accorded equally to all members of the trade union, subject to the exception explained in paragraph 10 below. As to the definition of ‘member’, see NUM (Yorkshire Area) v Millward [1995] IRLR 411.

Literature accompanying the voting/ballot paper

5. The Act is silent as to whether the ballot paper may be accompanied by an explanatory statement, a recommendation or other literature. However, unions should be aware of the requirement that members must be able to vote without interference or constraint. A statement of what constitutes “political objects” as set out after the respective model ballot papers (see pages 23 and 36) could be printed on the reverse of the voting paper or attached to it.

SUBMISSION OF BALLOT RULES FOR FORMAL APPROVAL BY THE CERTIFICATION OFFICER

1. Immediately on the adoption of the rules and before the ballot is held two copies of the ballot rules, each signed by three members of the executive committee or other governing body of the union, should be sent to the Certification Officer by the General Secretary for formal approval, along with the application form. If the ballot rules are approved by the Certification Officer, a certificate of approval affixed to one copy of the rules will be returned to the union.

2. The ballot must not be held until formal approval has been given. If the proposed rules have already been approved informally, and assuming no
changes have been made to them since, it should be possible for the Certification Officer to give formal approval within five working days of receiving the application.

**HOLDING THE BALLOT**

3. The Act provides that the ballot must be held strictly in accordance with the rules approved by the Certification Officer. It is essential that the ballot rules are complied with as failure to do so may invalidate the outcome of the ballot. The political resolution will be passed if it is approved by a simple majority of the members voting. The union must also comply with the provisions of the ballot rules with regard to the notification of the result of ballot and of the scrutineer’s report.

**COMPLAINTS ABOUT BALLOTS**

4. Section 79 of the Act provides a statutory procedure for complaints about political fund ballots. If a member claims that the ballot was not held under rules approved by the Certification Officer, or that there was a failure to comply with any provision of the approved rules, he may apply to the Certification Officer or to the court, (the High Court in England and Wales, the Court of Session in Scotland), but not to both\(^3\), for a declaration to that effect. The application to the Certification Officer or to the court must be made within one year of the day on which the union announce the result of the ballot.

**SENDING OF NOTICE TO MEMBERS ABOUT EXEMPTION FROM CONTRIBUTING TO THE POLITICAL FUND**

5. Section 84(2) of the Act requires that, on the adoption of the resolution approving the furtherance of political objects, the union must give notice to each of its members informing them of their right to be exempt from contributing to the political fund and explaining where a form for this purpose may be obtained. The union may if it wishes choose not to give the notice to its overseas members (see section 94 of the Act).

6. This notice of entitlement to exemption must be given in accordance with rules of the union which have also been approved for the purpose by the Certification Officer. Such a rule can be submitted for preliminary and subsequently for formal approval at the same times as the rules for the conduct of the ballot. It can also be adopted by the union at the same time and by the same method as the ballot rules, since the methods of adoption provided by section 92 of the Act apply to this rule also (see page 3, stage 3). The rule will, of course, only require to be implemented if the political resolution is passed.

**SCOTLAND**

7. Enquiries and correspondence relating to establishing a political fund by Scottish

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\(^3\) This provision does not apply to unincorporated employers’ association (s32(2) of the 1992 Act)
based unions should be addressed to the Assistant Certification Officer for Scotland, Melrose House, 69a George Street, Edinburgh EH2 1JG.

NORTHERN IRELAND

8. The Act does not extend to any trade union which has its head or main office in Northern Ireland and with membership restricted to Northern Ireland. The law of Northern Ireland applies instead. The requirements do, of course, apply to trade unions based in Great Britain which have members in Northern Ireland, but the union can choose to provide in the ballot rules that its members outside Great Britain are not entitled to vote in the ballot (see section 94 of the Act). Great Britain is constituted by England, Scotland and Wales.

Broadly speaking, Northern Ireland members have automatic exemption from contributing to a union’s political fund unless they make a request to "opt in". This requires adopting additional rules regarding Northern Ireland members. Political fund model rules for Northern Ireland members of Great Britain trade unions have been produced by the Northern Ireland Certification Officer. Great Britain trade unions with members in Northern Ireland should seek guidance on the use of political fund model rules at an early stage from the Northern Ireland Certification Officer, 10-16 Gordon Street, Belfast, Northern Ireland B1 2LG (Tel: 028 9023 7773  Fax: 028 9023 22771 email: info@nicertoffice.org.uk)

THE POLITICAL OBJECTS

9. If the political objects in the union’s political fund rules differ from the version of the political objects in the model ballot rules (which are taken directly from section 72(1) of the 1992 Act) steps must be taken for the revised political objects to be adopted. The Certification Officer must approve the union’s political fund. The political objects can be submitted for preliminary and subsequently for formal approval at the same times as the draft ballot rules. The political objects will, of course, only apply if the political resolution is passed.
MODEL RESOLUTION
FOR ADOPTION OF POLITICAL FUND
BALLOT RULES AND POLITICAL FUND RULES

............................................................................................................................................. (name of Union)

It is hereby resolved, [pursuant to section 92 of the Trade Union and Labour Relations (Consolidation) Act 1992 (as amended)]

(a) that the rules of [name of union] be amended by the addition of the political fund ballot rules, now before the meeting, under which a ballot may be held on a resolution approving the furtherance of political objects within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 as an object of the trade union; and

(b) that, if those rules are approved by the Certification Officer, a ballot be held in accordance with them.

(c) that the political fund rules of the union be amended as provided in the draft amendments before the meeting.

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4 A reference to section 92 of the Act is advisable if the trade union proposes to adopt these rules using one of the procedures permitted by section 92 and not the procedure laid down by its rules for alteration of the rules (see Stage 3 on page 2); otherwise such a reference is not required.

5 If the resolution is not being adopted at a meeting of members or delegates delete "now before the meeting" and substitute other appropriate wording to identify the rules, e.g. if a notice has been circulated, "attached to the notice to members".
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 (as amended) with regard to political funds. 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. The rules set out in the Annex apply to the Political Fund as it applies to all members regardless of when they joined the union or when the fund was established. Schedule 1 applies to members who joined and funds set up before the end of the transition period. And Schedule 2 applies to members who joined and funds set up after the end of the transition period.

.............................................. (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 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. The particular rules which apply to those people that joined the Union before <date> and to political funds set up before [date] are set out in Schedule 1 to these rules.

4. The particular rules which apply to those people that joined the Union after <date> and to political funds set up after [date] are set out in Schedule 2 to these rules.

5. For the purpose of enabling each member of the union who may pay a political contribution to know in respect of any such contribution, what portion, if any, of the sum payable by him is a contribution to the political fund of the union, it is hereby provided that £…. of each (annual/quarterly/monthly/weekly) contribution is a contribution to the political fund, and that any member who is exempt shall be relieved from the payment of the sum of £…., and shall pay the remainder of such contribution only.

6. A member who is exempt from the obligation to 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 disability or disadvantage as compared with other members of the union (except in relation to the control or management of the political fund) by reason of his being so exempt.

7. If any member alleges that he is aggrieved by a breach of any of these rules for the political fund, being a rule or rules made pursuant to section 82 of the 1992 Act, he may complain to the Certification Officer, and the Certification Officer, after making such enquiries as he thinks fit and after giving the complainant and the union an opportunity of
being heard, may, if he considers that such a breach has been committed, make such order for remedying the breach as he thinks just in the circumstances. Any such order of the Certification Officer 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.

8. Contribution to the political fund of the union shall not be made a condition for admission to the union.

9. 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.

10. 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.
Schedule 1
Rules that apply to members that joined the Union before [date] and political funds set up before <date>

Notice to members
1. As soon as is practicable after the passing of a resolution approving the furtherance of such political objects as an object of the union, it shall ensure that a notice in the following form is given to all members of the union.

<table>
<thead>
<tr>
<th>Notice to Members</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Trade Union and Labour Relations (Consolidation) Act 1992 (as amended)</strong></td>
</tr>
<tr>
<td>A resolution approving the furtherance of political objects within the meaning of the above Act as an object of the union has been adopted by a ballot under the Act. Any payments in the furtherance of any of those objects will be made out of a separate fund, the political fund of the union.</td>
</tr>
<tr>
<td>Every member of the union has a right to be exempt from contributing to that fund. A form of exemption notice can be obtained by or on behalf of any member either by application at, or by post from, the head office or any branch office of the union or from the Certification Office for Trade Unions and Employers' Associations, Lower Ground Floor, Fleetbank House, 2-6 Salisbury Square, London EC4Y 8JX.</td>
</tr>
<tr>
<td>This form, when filled in, or a written request to the like effect, should be handed or sent to the General Secretary or [the union must nominate an appropriate person or persons by job description].</td>
</tr>
</tbody>
</table>

2. This notice shall be published to members by such methods as are used by the union to publish notices of importance to members. It is the union’s current practice to publish such notices by: [the union to set out its present practice].

Request for exemption
Any member of the union may at any time give notice a) on the form of exemption notice specified in rule 5, or b) written request in a form to the like effect, that he objects to contribute to the political fund. A form of Exemption Notice may be obtained by, or on behalf of, any member, either by application at, or by post from, the head office or any branch office of the union, or from the Certification Office for Trade Unions and Employers' Associations, Lower Ground Floor, Fleetbank House, 2-6 Salisbury Square, London EC4Y 8JX.

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6 This may be by sending a letter to each member and/or by publishing in the union’s magazine and/or on its website and/or by e-mail to members and/or by posting a notice on a conspicuous place for at least 12 months and/or by branch circular with evidence of communication to members.
3. The form of an exemption notice shall be as follows:

<table>
<thead>
<tr>
<th>Name of Trade Union</th>
</tr>
</thead>
<tbody>
<tr>
<td>POLITICAL FUND EXEMPTION NOTICE</td>
</tr>
</tbody>
</table>

I give notice that I object to contributing to the political fund of the union and am in consequence exempt, in the manner provided by Chapter VI of the Trade Union and Labour Relations (Consolidation) Act 1992, from contributing to that fund.

Print Name…………………………..Signature: ........................................

Address: ..................................................................................................

Date: ..................

4. Any member may obtain exemption from contributing to the political fund by sending a Notice of Exemption to the General Secretary or such other person as is identified in the Notice to Members in rule 1. On receiving the Notice of Exemption the union shall send an acknowledgement of its receipt to the member at the address in the notice, and shall process the exemption as soon as reasonably practicable.

Manner of giving effect to exemption
5. On giving an exemption notice, a member shall become exempt from contributing to the union’s political fund, where the notice is given:

   (a) Within one month of the giving of Notice to Members in rule 1 following the passing of a political resolution on a ballot held at a time when no such resolution is in force, as from the date on which the exemption notice is given; or

   (b) In any other case, as from 1st January next after the exemption notice is given [or any earlier date as decided by the union].

6. The union shall give effect to the exemption of members from contributing to the political fund of the union either:

   (a) by a separate levy of contributions to that fund from the members who are not exempt; or

   (b) by relieving members who are exempt from the payment of the whole or part of any periodical contributions required from members towards the expenses of the union.
Schedule 2
Rules that apply to people that joined the Union after [DATE OF END OF TRANSITION PERIOD] and to political funds set up after <date of end of the transition period>

Opting in by union members to contribute to political funds
1. 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”).

2. 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”).

3. A withdrawal notice takes effect at the end of the period of one month beginning with the day on which it is given.

4. 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
5. The union shall take all reasonable steps to secure that, not later than the end of the period of eight weeks beginning with the day on which the annual return of the union is sent to the Certification Officer, all the members of the union are notified of their right to give a withdrawal notice.

6. 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.

7. The notification may be included with the statement required to be given by section 32A of the Trade Union and Labour Relations (Consolidation) Act 1992.
   [optional] Overseas members of the union will not be sent the notification.

8. A trade union shall send to the Certification Officer a copy of the notification which is provided to its members in pursuance of this section as soon as is reasonably practicable after it is so provided.
9. Where the same form of notification is not provided to all the members of the union, the union shall send to the Certification Officer a copy of each form of notification provided to any of them.

10. If any member alleges that he is aggrieved by a breach of any of these rules for giving information to members about opting into the political fund, being a rule or rules made pursuant to section 84A of the 1992 Act, he may complain to the Certification Officer. Where the Certification Officer is satisfied that the union has failed to comply with a requirement of section 84A of the 1992 Act the Officer may make such order for remedying the failure as he thinks just under the circumstances. Before deciding the matter the Certification Officer:

(a) may make such enquiries as the Officer thinks fit;
(b) must give the union, and any member of the union who made a complaint to the Officer regarding the matter, an opportunity to make written representations; and
(c) may give the union, and any such member as is mentioned in clause (b), an opportunity to make oral representations.

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

11. The union shall give effect to the members 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.

12. Any form (including an electronic 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 under a disability or at a disadvantage as compared with other members of the union (except in relation to control of the political fund).
ANNEX B

MODEL RULES FOR A BALLOT TO ESTABLISH A POLITICAL FUND (WHERE THE SCRUTINEER ALSO ACTS AS THE INDEPENDENT PERSON)

Square brackets "[ ]" indicate where material appropriate to the individual trade union should be inserted.
[.................................................................] (Name of Union)

General
1. The union shall be responsible for securing that the ballot which is held to establish a political fund is conducted in accordance with these rules, even where the responsibility for carrying out a particular duty falls upon a person not subject to the rules of the union.

Interpretation
2. In these ballot rules, unless the context otherwise requires:

"the Act" means the Trade Union and Labour Relations (Consolidation) Act 1992 (as amended);

"the Certification Officer" means the Certification Officer for Trade Unions and Employers' Associations whose address is 22nd Floor, Euston Tower, 286 Euston Road, London NW1 3JJ.

"dispatch envelope" means the envelope (in the form required by these rules) in which the voting paper and return envelope are dispatched to the member;

"executive" means the principal committee of the union exercising executive functions, by whatever name it is called;

"independent person" means the person or persons appointed to act as the independent person or persons in respect of the ballot under the provisions of section 77A of the Act and these rules;

"person" in relation to the position of an independent person or a scrutineer, includes an unincorporated or incorporated body of persons;

"proper address" in relation to any member means his/her home address or other address which he/she has requested the union in writing to treat as his/her postal address under section 24(5) of the Act;

"return envelope" means an envelope in the form required by these rules;

"scrutineer" means the independent person appointed by the union to that position in relation to the ballot under section 75 of the Act and these rules;
"the period specified before disposal" means the end of the period of one year beginning with the day of the announcement by the union of the result of the ballot or, if within that period an application is made under section 80 or 81 (complaint of failure to comply with the ballot rules) of the Act, until the Certification Officer or the court authorises him/her to dispose of the papers or, as the case may be, records;

"voting paper" or “ballot paper” means a voting paper in the form required by these rules;

**Purpose of these rules**

3. These rules are adopted for the purposes of a ballot under section 73 of the Act and apply only to such a ballot.

**Copies of these rules to be available to members**

4. The Union shall ensure that a copy of these rules is supplied either free of charge or on payment of a reasonable charge to any member of the union who requests a copy.

**Appointment of a scrutineer where the scrutineer acts as the independent person**

5. Before the review ballot is held, a qualified independent person ("the scrutineer") shall be appointed to carry out the functions of both the scrutineer and the independent person in relation to the ballot as are required under the Act and any such additional functions as are specified in the appointment.

6. A person is eligible for appointment as scrutineer if:

   (a) the person satisfies the conditions which are for the time being specified by the Secretary of State pursuant to section 75(2) of the Act or is a person specified in an order made under that section (the conditions and the persons specified by the Secretary of State were, at the time of the adoption of these rules, contained in The Trade Union Ballots and Elections (Independent Scrutineer Qualifications) Order 2010 (SI 2010/436) – available at [www.legislation.gov.uk](http://www.legislation.gov.uk); and

   (b) there are no grounds for believing that the person in question will carry out any function conferred on him/her in relation to the ballot otherwise than competently; or that his/her independence in relation to the union or in relation to the ballot might reasonably be called into question.

**Terms of the appointment**

7. The terms of the appointment shall require the scrutineer:

   (a) to supervise the production of the voting papers and to undertake the storage and distribution of the voting papers and the counting of votes cast;
(b) to be the person to whom the voting papers are returned by those voting;

(c) to inspect the register of names and addresses of members of the union or to examine the copy of the register as at the relevant date which is supplied to him/her in accordance with section 75(5A)(a) of the Act whenever it appears to him/her appropriate to do so and in particular where the conditions specified in section 75(3A) of the Act are satisfied;

(d) take such steps as appear to be appropriate to the scrutineer for the purpose of enabling him/her to make a report as specified in section 78 of the Act;

(e) to make that report to the union as soon as is reasonably practicable after the last date for the return of voting papers;

(f) to retain custody of and keep secure in a safe place all voting papers returned for the purposes of the ballot together with the relevant copy of the register of names and addresses of members entitled to vote and supplied to him/her by the union for the period specified before disposal, as defined in rule 2;

(g) to carry out such other functions in relation to the ballot as are required of him/her under these rules or otherwise, as the union considers appropriate;

(h) to store in a secure place any unused voting papers or voting papers which are returned undelivered until disposal; and

(i) to respect the duty of confidentiality in respect of the register.

**Notice of appointment**

8. Before the scrutineer begins to carry out any of these functions either:

(a) a notice stating the name of the scrutineer shall be sent by the union to every member of the union to whom it is reasonably practicable to send such a notice; or

(b) all such other steps shall be taken for notifying members of the union of the name of the scrutineer as it is the practice of the union to take when matters of general interest to all its members need to be brought to their attention.

Such notice or notification may invite members to inform the union of any change of address and advise members of the dates between which the ballot will be held.

**Union's duty towards the scrutineer**

9. Nothing in the terms of the scrutineer's appointment (including any additional
functions specified in the appointment) shall be such as to make it reasonable for any person to call into question the scrutineer’s independence in relation to the union.

10. The union shall ensure that there is no interference with the scrutineer in carrying out the functions imposed on him/her by the terms of the appointment which would make it reasonable for any person to call into question the scrutineer’s independence in relation to the union.

11. All reasonable requests made to the union by the scrutineer for the purpose of, or in connection with, the carrying out of the functions of the scrutineer shall be complied with.

Dispatch envelopes
12. The dispatch envelope:
   (a) shall be addressed to the member entitled to vote;
   (b) shall state that if the envelope is undelivered to the member it should be returned to the scrutineer and give his/her name and address;
   (c) shall bear a postage stamp or other stamp or mark allowing it to be delivered at no cost to the member; and
   (d) in the event of the envelope containing material other than the material relating to the ballot, the envelope shall have printed on it prominently the words “ballot paper” or “voting paper”.

Voting papers
13. Every voting paper shall be in or substantially in accordance with the form set out in Appendix 1 to these political fund ballot rules and:
   (a) shall clearly specify the name of the scrutineer, the address to which, and the date by which, it is to be returned;
   (b) shall be marked with one of a series of consecutive whole numbers, everyone of which is used in giving a different number (in that series) to each voting paper printed or otherwise produced for the purposes of the ballot;
   (c) may have printed on it the logo or emblem of the union;
   (d) may have printed on it or attached to it an explanatory statement.

Return envelopes
14. Every return envelope:
(a) shall be capable of being sealed;
(b) shall be addressed to the scrutineer;
(c) shall bear a postage stamp or other stamp or mark showing that the envelope may be returned to the scrutineer by post without direct cost to the voter; and
(d) may have printed on it:
   (i) the name of the union;
   (ii) the logo or emblem of the union; and
   (iii) the words "voting paper" or "ballot paper".

**Date of ballot**

15. The union shall determine the date:

   (a) by which the voting papers shall be sent to members, which shall be a date not less than three weeks before the last date on which voting papers may be returned to the scrutineer;

   (b) of the last date for receipt of completed voting papers by the scrutineer; and

   (c) on which the counting of votes is to commence.

**Conduct of the ballot**

16. Entitlement to vote in the ballot shall be accorded equally to all members.

17. The ballot shall be conducted so as to secure that, so far as is reasonably practicable, those voting do so in secret.

18. So far as is reasonably practicable, every member who is entitled to vote in the ballot shall, in accordance with these rules:

   (a) be sent a voting paper by post to his/her home address or another address that the member has requested that the union treat as his or her postal address in such time as to be received on or before the opening day of the ballot; and

   (b) be given a convenient opportunity to vote by post.

19. Every member who is entitled to vote in the ballot shall:

   (a) be allowed to vote without interference from, or constraint imposed by,
the union or any of its members, officials or employees; and

(b) so far as is reasonably practicable be able to do so without incurring any direct cost to the member.

20. Every member who is entitled to vote in the ballot shall have sent to him/her in a sealed dispatch envelope, at his/her proper address, by post:

(a) a voting paper; and

(b) a return envelope addressed to the scrutineer.

21. When it is not practicable for a particular member to be sent a voting paper and return envelope by the date determined in accordance with these rules, a voting paper and return envelope may be sent to that member as soon as is reasonably practicable after that date, so as to give that member a convenient opportunity to vote by post.

22. The name of each member to whom a voting paper is sent shall be recorded in some form or record of members but not so as to make it reasonable for any person to call into question the secrecy of the ballot. This record shall be kept by the scrutineer for the period specified before disposal, as defined in rule 2.

Manner of voting
23. Every member who wishes to vote must return his/her voting paper to arrive at the address of the scrutineer on or before the date determined in accordance with these rules.

24. The scrutineer shall store in a secure place any voting papers returned to him/her undelivered and shall keep a record of any voting paper so returned.

25. The scrutineer shall be responsible for the safe custody and security of all returned envelopes and voting papers during the period of the ballot and for the period specified before disposal, as defined in rule 2. The scrutineer shall at all times take all reasonable steps to secure their safe custody of the returned envelope and voting papers so as to minimise the risk of any contravention of the requirements imposed by or under any enactment or these rules or the occurrence of any unfairness or malpractice.

Counting of the ballot
26. The ballot shall be conducted so as to secure that the votes are fairly and accurately counted by the scrutineer. Any inaccuracy in counting is to be disregarded for the purpose of this rule if it is accidental or on a scale which could not affect the results of the ballot.

27. The scrutineer shall before counting begins:

(a) place the unused voting papers in a secure place; and
(b) keep a record of the number of voting papers so stored and a record of any voting papers issued under rule 21.

28. No person may be present at the count other than:

(a) the scrutineer;

(b) those acting under the supervision of the scrutineer; and

(c) those present with the consent of the scrutineer.

29. At the date appointed for the commencement of the counting of the votes, the scrutineer shall undertake the opening of the return envelopes received and the counting of votes.

30. The scrutineer or if more than one of them the majority of them shall decide whether any voting paper shall be rejected as being invalid and shall mark each such voting paper "rejected".

31. Those voting papers which are not rejected shall be counted.

32. After the count the scrutineer shall retain custody of all of the voting papers returned for the purpose of the ballot for the period specified before disposal, as defined in rule 2.

**Scrutineer's report**

33. As soon as is reasonably practicable after the last date for the return of voting papers the scrutineer shall make a report ("the scrutineer's report") to the union in accordance with these rules. The scrutineer's report shall state:

(a) the number of voting papers distributed for the purposes of the ballot;

(b) the number of voting papers returned to the scrutineer by the members;

(c) the number of valid votes cast in the ballot for and the number of valid votes cast against the resolution;

(d) the number of spoiled or otherwise invalid voting papers returned;

(e) the fact that the scrutineer was appointed as the independent person or persons;

(f) whether the scrutineer:

(i) is satisfied that there are no reasonable grounds for believing that there was any contravention of a requirement imposed by or under any enactment or these rules in relation to the ballot;
(ii) is satisfied that the arrangements made (whether by him/her or another person) with respect to the production, storage, distribution, return or other handling of the voting papers used in the ballot, and the arrangements for counting the votes, included all such security arrangements as were reasonably practicable for the purpose of minimising the risk that any unfairness or malpractice might occur;

(iii) is satisfied that he/she has been able to carry out his/her functions without any interference as would make it reasonable for any person to call his/her independence in relation to the union into question; and

(iv) has inspected the register of names and addresses of members of the union or has examined a copy of the register supplied to him/her under these rules.

34. If he/she is not satisfied as to any of the matters set out in rule 33 (f), the report shall give particulars of his/her reasons for not being satisfied as to that matter.

35. If the scrutineer has inspected the register in accordance with these rules or has been requested to do so by a member, the report shall state:

(a) whether the register has been inspected; in the case of each inspection whether it was at the request of a member of the union or at his/her own instance, and say, if appropriate, whether he/she declined to act on such a request; and

(b) whether any inspection of the register or any examination or copy of the register reveals any matters which he/she considers should be drawn to the attention of the union in order to assist in securing that the register is accurate and up-to-date, but shall not state the name of any member who has requested this inspection or examination.

Copy of the scrutineer’s report to be sent to the Certification Officer
36. A copy of the scrutineer's report shall be sent by the union to the Certification Officer as soon as is reasonably practicable.

Publicising the result of the ballot
37. The result of the ballot shall not be published until the union has received the scrutineer’s report.

38. Within three months from the date on which the union receives the scrutineer’s report the union shall:

(a) send a copy of the report to every member to whom it is reasonably practicable to send such a copy; or
(b) take all such other steps for notifying the contents of the report to the members whether by publishing the report or otherwise as it is the practice of the union to take when matters of general interest to all its members need to be brought to their attention.

39. The union shall ensure that any notification given under rule 38(b) is accompanied by a statement that the union will on request supply the member with a copy of the report either:

(a) free of charge; or

(b) on payment of such reasonable fee as may be specified in the notification,

and ensure that a member who makes such a request to the union is supplied with a copy on payment of such a fee (if any) as has been notified to him/her.
VOTING PAPER ON ESTABLISHMENT OF A POLITICAL FUND

Ballot paper number:[ ]

.......................................................... [name of union]

THE RESOLUTION is that the political objects set out in section 72 of the Trade Union and Labour Relations (Consolidation) Act 1992 (reproduced overleaf) be approved as an object of the Union

Do you vote in favour of the Resolution?

YES ☐

NO ☐

You must place a cross on one, and only one, of the boxes provided.

Place the voting paper in the addressed envelope (no stamp required) and return it to the Scrutineer to arrive before the ............................. A voting paper received after this date will not be counted.

Please do not sign or make any other mark on the paper [or include anything else with your voting paper]

Name of Scrutineer.......................................
Address to which voting paper is to be sent......................
(Political Objects)

Section 72 of the Trade Union and Labour Relations (Consolidation) Act 1992:

This section applies to the following political objects:

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.

2. Where a person attends a conference or meeting as a delegate or otherwise as a participant in the proceedings, any expenditure incurred in connection with his 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.

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.

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.
MODEL RULES FOR A BALLOT TO ESTABLISH A POLITICAL FUND
(Where the roles of the scrutineer and the independent person are to be carried out by different persons)

Square brackets "[ ]" indicate where material appropriate to the individual trade union should be inserted.

[..................................................................................] (Name of Union)

General
1. The union shall be responsible for securing that the ballot which is held to establish a political fund is conducted in accordance with these rules, even where the responsibility for carrying out a particular duty falls upon a person not subject to the rules of the union.

Interpretation
2. In these ballot rules, unless the context otherwise requires:

"the Act" means the Trade Union and Labour Relations (Consolidation) Act 1992 (as amended);

"the Certification Officer" means the Certification Officer for Trade Unions and Employers’ Associations whose address is 22nd Floor, Euston Tower, 286 Euston Road, London NW1 3JJ.

"dispatch envelope" means the envelope (in the form required by these rules) in which the voting paper and return envelope are dispatched to the member;

"executive" means the principal committee of the union exercising executive functions, by whatever name it is called;

"independent person" means the person or persons appointed to act as the independent person or persons in respect of the ballot under the provisions of section 77A of the Act and these rules;

"person" in relation to the position of an independent person or a scrutineer, includes an unincorporated or incorporated body of persons;

"proper address" in relation to any member means his/her home address or other address which he/she has requested the union in writing to treat as his/her postal address under section 24(5) of the Act;
"return envelope" means an envelope in the form required by these rules;

"scrutineer" means the independent person appointed by the union to that position in relation to the ballot under section 75 of the Act and these rules;

"the period specified before disposal" means the end of the period of one year beginning with the day of the announcement by the union of the result of the ballot or, if within that period an application is made under section 80 or 81 (complaint of failure to comply with the ballot rules) of the Act, until the Certification Officer or the court authorises him/her to dispose of the papers or, as the case may be, records;

"voting paper" or “ballot paper” means a voting paper in the form required by these rules.

Purpose of these rules
3. These rules are adopted for the purposes of a ballot under section 73 of the Act and apply only to such a ballot.

Copies of these rules to be available to members
4. The Union shall ensure that a copy of these rules is supplied either free of charge or on payment of a reasonable charge to any member of the union who requests a copy.

Appointment of a scrutineer
5. Before the ballot is held, a qualified independent person (“the scrutineer”) shall be appointed to carry out the functions in relation to the ballot as are required under the Act and any such additional functions as are specified in the appointment.

6. A person is eligible for appointment as scrutineer if:

   (a) the person satisfies the conditions which are for the time being specified by the Secretary of State pursuant to section 75(2) of the Act or is a person specified in an order made under that section (the conditions and the persons specified by the Secretary of State were, at the time of the adoption of these rules, contained in The Trade Union Ballots and Elections (Independent Scrutineer Qualifications) Order 2010 (SI 2010/436) – available at www.legislation.gov.uk); and

   (b) there are no grounds for believing that the person in question will carry out any function conferred on him/her in relation to the ballot otherwise than competently; or that his/her independence in relation to the union or in relation to the ballot might reasonably be called into question.

Terms of the scrutineer’s appointment
7. The terms of the scrutineer’s appointment shall require the scrutineer:
(a) to supervise the production of the voting papers and (unless appointed to
undertake the distribution of voting papers) their distribution and the
counting of votes cast;

(b) to be the person to whom the voting papers are returned by those voting;

(c) to inspect the register of names and addresses of members of the union
or to examine the copy of the register as at the relevant date which is
supplied to him/her in accordance with section 75(5A)(a) of the Act
whenever it appears to him/her appropriate to do so and in particular
where the conditions specified in section 75(3A) of the Act are satisfied;

(d) take such steps as appear to be appropriate to the scrutineer for the
purpose of enabling him/her to make a report as specified in section 78 of
the Act;

(e) to make that report to the union as soon as is reasonably practicable
after the last date for the return of voting papers;

(f) to retain custody of, and keep secure in a safe place, all voting papers
returned for the purposes of the ballot together with the relevant copy of
the register of names and addresses of members entitled to vote and
supplied to him/her by the union for the period specified before disposal,
as defined in rule 2;

(g) to carry out such other functions in relation to the ballot as are required of
him/her under these rules or otherwise, as the union considers
appropriate;

(h) to store in a secure place any unused voting papers or voting papers
which are returned undelivered until disposal; and

(i) to respect the duty of confidentiality in respect of the register.

Notice of appointment of scrutineer
8. Before the scrutineer begins to carry out any of these functions either:

(a) a notice stating the name of the scrutineer shall be sent by the union to
every member of the union to whom it is reasonably practicable to send
such a notice; or

(b) all such other steps shall be taken for notifying members of the union of
the name of the scrutineer as it is the practice of the union to take when
matters of general interest to all its members need to be brought to their
attention.

Such notice or notification may invite members to inform the union of any change
of address and advise members of the dates between which the ballot will be
held.

**Union's duty towards the scrutineer**

9. Nothing in the terms of the scrutineer's appointment (including any additional functions specified in the appointment) shall be such as to make it reasonable for any person to call into question the scrutineer's independence in relation to the union.

10. The union shall ensure that there is no interference with the scrutineer in carrying out the functions imposed on him/her by the terms of the appointment which would make it reasonable for any person to call into question the scrutineer's independence in relation to the union.

11. All reasonable requests made to the union by the scrutineer for the purpose of, or in connection with, the carrying out of the functions of the scrutineer shall be complied with.

**Appointment of independent person to distribute voting papers and count the votes cast**

12. The union shall appoint an independent person to undertake the storage and distribution of the voting papers and the counting of votes cast. This person can be either:

   (a) the scrutineer; or

   (b) another person who is not the scrutineer. As with the scrutineer the union must have no grounds for believing either that:

      (i) he or she will carry out any functions conferred on him/her in relation to the ballot otherwise than competently; or

      (ii) that his/her independence in relation to the union or in relation to the ballot might reasonably be called into question.

13. The terms of appointment of an independent person to carry out his/her functions shall:

   (a) require him/her to carry out the functions of the independent person so as to minimise the risk of any contravention of requirements imposed by or under any enactment or these rules or the occurrence of any unfairness or malpractice; and

   (b) impose the duty of confidentiality in respect of the register into the terms of appointment.

14. Where the person appointed to undertake the counting of the votes is not the scrutineer, his/her appointment shall require him/her to send the voting papers back to the scrutineer as soon as is reasonably practicable once the counting
has been completed.

15. The independent person shall be responsible for the safe custody of:

   (a) voting papers and envelopes prior to their sending out to members and for any voting papers and envelopes until their handing over to the scrutineer (if appropriate); and

   (b) voting papers at all other times when in his/her possession,

and shall ensure that voting papers and return envelopes in his/her possession are kept in a secure place.

**Union’s duty towards the independent person**

16. Nothing in the terms of the appointment of the independent person shall be such as to make it reasonable for any person to call into question the independence of the person appointed in relation to the union.

17. The union shall ensure that there is no interference with the independent person in carrying out the functions imposed on him/her by the terms of the appointment which would make it reasonable for any person to call into question the independence of the person appointed in relation to the union.

18. All reasonable requests made to the union by the independent person for the purposes of, or in connection with, the carrying out of his/her functions shall be complied with.

**Dispatch envelopes**

19. The dispatch envelope:

   (a) shall be addressed to the member entitled to vote;

   (b) shall state that if the envelope is undelivered to the member it should be returned to the scrutineer and give his/her name and address;

   (c) shall bear a postage stamp or other stamp or mark allowing it to be delivered at no cost to the member; and

   (d) in the event of the envelope containing material other than the material relating to the ballot, the envelope shall have printed on it prominently the words “ballot paper” or “voting paper”.

**Voting papers**

20. Every voting paper shall be in or substantially in accordance with the form set out in Appendix 1 to the political fund ballot rules and:

   (a) shall clearly specify the name of the scrutineer, the address to which, and the date by which, it is to be returned;
(b) shall be marked with one of a series of consecutive whole numbers, everyone of which is used in giving a different number (in that series) to each voting paper printed or otherwise produced for the purposes of the ballot;

(c) may have printed on it the logo or emblem of the union;

(d) may have printed on it or attached to it an explanatory statement.

Return envelopes
21. Every return envelope:

(a) shall be capable of being sealed;

(b) shall be addressed to the scrutineer;

(c) shall bear a postage stamp or other stamp or mark showing that the envelope may be returned to the scrutineer by post without direct cost to the voter; and

(d) may have printed on it;

   (i) the name of the union;

   (ii) the logo or emblem of the union; and

   (iii) the words “voting paper” or “ballot paper”.

Date of ballot
22. The union shall determine the date:

(a) by which the voting papers shall be sent to members, which shall be a date not less than three weeks before the last date on which voting papers may be returned to the scrutineer;

(b) of the last date for receipt of completed voting papers by the scrutineer; and

(c) on which the counting of votes is to commence.

Conduct of the ballot
23. Entitlement to vote in the ballot shall be accorded equally to all members.

24. The ballot shall be conducted so as to secure that, so far as is reasonably practicable, those voting do so in secret.

25. So far as is reasonably practicable, every member who is entitled to vote in the
ballot shall, in accordance with these rules:

(a) be sent a voting paper by post to his/her home address or another address that the member has requested that the union treat as his or her postal address in such time as to be received on or before the opening day of the ballot; and

(b) be given a convenient opportunity to vote by post.

26. Every member who is entitled to vote in the ballot shall:

(a) be allowed to vote without interference from, or constraint imposed by, the union or any of its members, officials or employees; and

(b) so far as is reasonably practicable be able to do so without incurring any direct cost to the member.

27. Every member who is entitled to vote in the ballot shall have sent to him/her in a sealed dispatch envelope, at his/her proper address, by post:

(a) a voting paper; and

(b) a return envelope addressed to the scrutineer.

28. When it is not practicable for a particular member to be sent a voting paper and return envelope by the date determined in accordance with these rules, a voting paper and return envelope may be sent to that member as soon as is reasonably practicable after that date, so as to give that member a convenient opportunity to vote by post.

29. The name of each member to whom a voting paper is sent shall be recorded in some form or record of members but not so as to make it reasonable for any person to call into question the secrecy of the ballot. If the independent person is not the scrutineer this record shall be sent to the scrutineer as soon as is reasonably practicable after the ballot, and shall be kept by the scrutineer for the period specified before disposal, as defined in rule 2.

Manner of voting

30. Every member who wishes to vote must return his/her voting paper to arrive at the address of the scrutineer on or before the date determined in accordance with these rules.

31. The scrutineer shall store in a secure place any voting papers returned to him/her undelivered and shall keep a record of any voting paper so returned.

32. The scrutineer shall be responsible for the safe custody and security of all returned envelopes and voting papers during the period of the ballot and for the period specified before disposal, as defined in rule 2. The scrutineer shall at all
times take all reasonable steps to secure the safe custody of the returned envelopes and voting papers so as to minimise the risk of any contravention of the requirements imposed by or under any enactment or these rules or the occurrence of any unfairness or malpractice.

**Counting of the ballot**

33. The ballot shall be conducted so as to secure that the votes are fairly and accurately counted by the independent person. Any inaccuracy in counting is to be disregarded for the purpose of this rule if it is accidental or on a scale which could not affect the results of the ballot.

34. On the date appointed for the commencement of the counting of votes and before the counting begins the independent person shall hand over to the scrutineer any remaining stock of voting papers not distributed to members. The scrutineer shall before counting begins:

   (a) place the unused voting papers in a secure place; and

   (b) keep a record of the number of voting papers so stored and a record of any voting papers issued under rule 28.

35. On the date appointed for the commencement of the count the scrutineer shall hand over to the independent person the unopened return envelopes received in respect of the ballot. The independent person shall undertake the opening of the return envelopes and the counting of the votes.

36. No person may be present at the count other than:

   (a) the scrutineer;

   (b) the independent person;

   (c) those acting under the supervision of the independent person, and

   (d) those present with the consent of the scrutineer.

37. The independent person or if more than one of them the majority of them shall decide whether any voting paper shall be rejected as being invalid and shall mark each such voting paper "rejected".

38. Those voting papers which are not rejected shall be counted.

39. After the count the scrutineer shall take and retain custody of all of the voting papers returned for the purpose of the ballot for the period specified before disposal, as defined in rule 2.

**Scrutineer's report**

40. As soon as is reasonably practicable after the last date for the return of voting
papers the scrutineer shall make a report ("the scrutineer's report") to the union in accordance with these rules. The scrutineer's report shall state:

(a) the number of voting papers distributed for the purposes of the ballot;

(b) the number of voting papers returned to the scrutineer by the members;

(c) the number of valid votes cast in the ballot for and the number of valid votes cast against the resolution;

(d) the number of spoiled or otherwise invalid voting papers returned;

(e) the name of the person (or each of the persons) appointed as the independent person or persons; and

(f) whether the scrutineer:
   
   (i) is satisfied that there are no reasonable grounds for believing that there was any contravention of a requirement imposed by or under any enactment or these rules in relation to the ballot;

   (ii) is satisfied that the arrangements made (whether by him/her or another person) with respect to the production, storage, distribution, return or other handling of the voting papers used in the ballot, and the arrangements for counting the votes, included all such security arrangements as were reasonably practicable for the purpose of minimising the risk that any unfairness or malpractice might occur;

   (iii) is satisfied that he/she has been able to carry out his/her functions without such interference as would make it reasonable for any person to call his/her independence in relation to the union into question; and

   (iv) has inspected the register of names and addresses of members of the union or has examined a copy of the register supplied to him/her under these rules.

41. If the scrutineer has inspected the register in accordance with these rules or has been requested to do so by a member, the report shall state:

(a) whether the register has been inspected; in the case of each inspection whether it was at the request of a member of the union or at his/her own instance, and say, if appropriate, whether he/she declined to act on such a request; and

(b) whether any inspection of the register or any examination or copy of the register reveals any matters which he/she considers should be drawn to the attention of the union in order to assist in securing that the register is
accurate and up-to-date, but shall not state the name of any member who has requested this inspection or examination.

42. The scrutineer’s report shall also state:

(a) whether he/she is satisfied with the performance of the independent person or persons so appointed;

(b) if he/she was not satisfied with the performance of the person or persons or any of them, particulars of his/her reasons for not being satisfied; and

(c) if he is not satisfied as to any of the above matters, the report shall give particulars of his reasons for not being satisfied as to that matter.

Copy of the scrutineer’s report to be sent to the Certification Officer

43. A copy of the scrutineer’s report shall be sent by the union to the Certification Officer as soon as is reasonably practicable.

Publicising the result of the ballot

44. The result of the ballot shall not be published until the union has received the scrutineer’s report.

45. Within three months from the date on which the union receives the scrutineer’s report the union shall:

(a) send a copy of the report to every member to whom it is reasonably practicable to send such a copy; or

(b) take all such other steps for notifying the contents of the report to the members whether by publishing the report or otherwise as it is the practice of the union to take when matters of general interest to all its members need to be brought to their attention.

46. The union shall ensure that any notification given in accordance with rule 45(b) is accompanied by a statement that the union will on request supply the member with a copy of the report either:

(a) free of charge; or

(b) on payment of such reasonable fee as may be specified in the notification,

and ensure that a member who makes such a request to the union is supplied with a copy on payment of such a fee (if any) as has been notified to him/her.
MODEL POLITICAL FUND BALLOT RULES
ANNEX C

Appendix 1

VOTING PAPER ON ESTABLISHMENT OF A POLITICAL FUND

Ballot paper number:[ ]

.......................................................... [name of union]

THE RESOLUTION is that the political objects set out in section 72 of the Trade Union and Labour Relations (Consolidation) Act 1992 (reproduced overleaf) be approved as an object of the Union

Do you vote in favour of the Resolution?

YES □

NO □

You must place a cross on one, and only one, of the boxes provided.

Place the voting paper in the addressed envelope (no stamp required) and return it to the Scrutineer to arrive before the ............................. A voting paper received after this date will not be counted.

Please do not sign or make any other mark on the paper [or include anything else with your voting paper]

Name of Scrutineer.......................................
Address to which voting paper is to be sent...............................
Section 72 of the Trade Union and Labour Relations (Consolidation) Act 1992.

This section applies to the following political objects:

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.

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 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.

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.

4. In these objects -

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

   "contribution", in relation to 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.
PUBLICATIONS

The current versions of the following Certification Office booklets are available to be printed or downloaded from the Certification Officer’s website: www.gov.uk/certificationofficer. Printed copies may also be obtained free of charge from the Office.

- Mergers: a guide to the statutory requirements for transfers of engagements and amalgamations of trade unions
- Mergers: a guide to the statutory requirements for transfers of engagements and amalgamation of employers' associations
- Independence: a guide for trade unions wishing to apply for a certificate of independence
- Political Funds: a guide for trade unions and employers' associations wishing to establish a political fund
- Political Funds: a guide to review ballots
- Financial Irregularities in trade unions and employers' associations: the approach of the Certification Officer in exercising his powers of investigation
- Complaints: Guidance on making a complaint to the Certification Officer against a trade union
- Complaints: provision made by the Certification Officer relating to the disclosure of the identity of claimants
- Complaints: Guidance on procedure at formal hearings by the Certification Officer
- Annual Reports of the Certification Officer
- The Certification Officer’s Publication Scheme
- Guidance on The Certification Officer’s role as a prescribed person for the purposes of the Public Interest Disclosure Act 1998 - ‘whistleblowing’