# 1964 No. 879

# TRADE UNIONS

## The Trade Union Regulations 1964

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|---|---|
| *Made* - - - - | 15*th June* 1964 |
| *Laid before Parliament* | 23*rd June* 1964 |
| *Coming into Operation* | 1*st July* 1964 |

The Minister of Labour by virtue of the powers conferred on him by section 13(6) of the Trade Union Act 1871(**a**), section 7 of the Trade Union (Amalgamations, etc.) Act 1964(**b**) and of all other powers enabling him in that behalf, and as respects Regulation 12 with the approval of the Treasury, hereby makes the following Regulations :—

*Citation, commencement and application*

**1.**—(1) These Regulations may be cited as the Trade Union Regulations 1964 and shall come into operation on 1st July 1964.

(2) Nothing in these Regulations other than Regulation 3 shall apply to amalgamations, transfers of engagements or changes of name which, by virtue of section 11(3) of the Act of 1964, are proceeded with and completed under the enactments repealed by that Act.

*Interpretation*

**2.**—(1) The Interpretation Act 1889(**c**) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(2) For the purposes of these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

" the Act of 1964 " means the Trade Union (Amalgamations, etc.) Act 1964 ;

" duly authenticated " means bearing the signature of the Chief Registrar of Friendly Societies or an assistant registrar and the date of the signature ;

" the Trade Union Regulations 1876 " means the Regulations(**d**) dated 1st November 1876 as to the registration of trade unions as amended by Regulations(**e**) dated 29th April 1890 and the Trade Union (Amendment of Fees) Regulation 1922(**f**).

(3) References in these Regulations to any enactment shall be construed as references to that enactment as amended by or under any other enactment.

*Revocation*

**3.** The following shall cease to have effect except for the purpose of

(**a**) 34 & 35 Vict. c. 31. *See also* S.R. & O. 1925/1261 (Rev. XV, p. 128: 1925, p. 693).
(**b**) 1964 c. 24. (**c**) 52 & 53 Vict. c. 63. (**d**) Rev. XXIII, p. 107.
(**e**) Rev. XXIII, p. 107: S.R. & O. 1890, p. 1015.
(**f**) S.R. & O. 1922/844 (Rev. XXIII, p. 107: 1922, p. 1102).

amalgamations, transfers of engagements or changes of name which, by virtue of section 11(3) of the Act of 1964, are proceeded with and completed under the enactments repealed by that Act, that is to say—

(*a*) Regulations (2), (16) and (22) of the Trade Union Regulations 1876 and so much of Regulation (24) of those Regulations as prescribes the fee for the registration of an amalgamation or a change of name ; and

(*b*) the Trade Union Regulations 1940(a).

*Approval of proposed instruments and notices*

**4.**—(1) An application pursuant to section 1(4) of the Act of 1964 for approval of a proposed instrument of amalgamation or transfer shall be submitted to the Registrar—

(*a*) in the case of a proposed instrument of amalgamation, by one of the amalgamating unions ; and

(*b*) in the case of a proposed instrument of transfer, by the transferor trade union.

The application shall be accompanied by two copies of the proposed instrument (one or both of which shall be signed as required by paragraph 7 of Schedule 1 or, as the case may be, paragraph 4 of Schedule 2 to these Regulations) and, where an unregistered trade union is to be a party to the instrument, by a copy of that union's rules.

(2) An application pursuant to section 1(4) of the Act of 1964 for approval of a proposed notice to be supplied to members of a trade union in accordance with section 1(2)(*d*) of that Act shall be submitted to the Registrar by that union and shall be accompanied by two copies of the proposed notice.

(3) The Registrar shall signify his approval of such an instrument or notice by returning to the applicant union one of the copies endorsed with the word " Approved " and duly authenticated.

*Contents of instrument of amalgamation or transfer*

**5.**—(1) An instrument of amalgamation shall contain the particulars and information specified in Schedule 1 to these Regulations.

(2) An instrument of transfer shall contain the particulars and information specified in Schedule 2 to these Regulations.

*Applications for registration of instruments*

**6.**—(1) An application pursuant to section 1(5) of the Act of 1964 for registration of an instrument of amalgamation shall be signed by three members of the committee of management or other governing body and the secretary of each of the amalgamating unions and shall be submitted to the Registrar in the form TA set out in Schedule 3 to these Regulations. The application shall be accompanied by two copies of the instrument and of the proposed rules of the amalgamated union and by a statutory declaration from each of the amalgamating unions in the form UA set out in Schedule 4 to these Regulations. Each copy of the proposed rules shall be signed by the Secretary of each of the amalgamating unions.

(a) S.R. & O. 1940/2100 (Rev. XXIII, p. 123: 1940 I, p. 1041).

(2) An application pursuant to the said section 1(5) for registration of an instrument of transfer shall be signed by three members of the committee of management or other governing body and the secretary of each of the unions concerned and shall be submitted to the Registrar by the transferee union in the form VA set out in Schedule 5 to these Regulations. The application shall be accompanied by two copies of the instrument and by statutory declarations in the forms WA and XA set out respectively in Schedules 6 and 7 to these Regulations and, if the transferee union is unregistered, by two copies of that union's rules.

(3) In any case where he considers it desirable with a view to ensuring that adequate publicity is given to the date by which complaints must be made to him under section 4 of the Act of 1964 as to the validity of a resolution approving an instrument of amalgamation or transfer, the Registrar may, not later than seven days after the date on which he receives the application for registration of the instrument, require notice to be given or published in such manner, in such form, and on or before such date, as he may direct of the fact that the application for registration has been or is to be made to him.

*Registration of instruments*

**7.**—(1) Before registering an instrument of amalgamation the Registrar shall satisfy himself that the proposed rules of the amalgamated union are in conformity with the said instrument and, if the amalgamated union is to be a registered union, that the said rules will provide for all the matters required by the Trade Union Acts 1871 to 1964 to be provided for by the rules of a registered union. Upon registering the instrument the Registrar shall send to the address specified for the purpose on the form TA one copy of the instrument endorsed with the word " Registered " and duly authenticated and, if the amalgamated union is a registered union, a copy of the rules bearing a certificate of registry in the form B subjoined to the Trade Union Regulations 1876 ; so, however, that the copy of the rules shall not be sent before the date on which the instrument is to take effect.

(2) Before registering an instrument of transfer the Registrar shall satisfy himself that the rules of the transferee union are in conformity with the said instrument. Upon registering the instrument the Registrar shall send to the transferee union one copy of the instrument endorsed with the word " Registered " and duly authenticated.

*Applications for registration of rules as altered in pursuance of section 3 of the Act of 1964*

**8.**—(1) This Regulation applies to applications for the registration of an alteration of rules made for the purposes of a transfer of engagements by the committee of management or other governing body of the transferee union pursuant to the powers conferred by section 3 of the Act of 1964.

(2) As respects applications to which this Regulation applies, Regulation (7) of the Trade Union Regulations 1876 shall have effect as if—

(*a*) for the reference therein to the form C (being the form of application for registration of a partial alteration of rules) there were substituted a reference to the form CA set out in Schedule 8 to these Regulations ; and

(*b*) for the reference therein to the form D (being the form of statutory

declaration which must accompany the application) there were substituted a reference to the form DA set out in Schedule 9 to these Regulations.

*Registration of change of name*

**9.**—(1) An application by a registered trade union pursuant to section 6(2) of the Act of 1964 for the registration of a change of name shall be signed by three members of the committee of management or other governing body and the secretary of the union and shall be submitted to the Registrar in duplicate in the form NA set out in Schedule 10 to these Regulations.

(2) The application shall be accompanied, as may be appropriate, either—

(*a*) by an application and declaration pursuant to Regulation (7) of the Trade Union Regulations 1876 ; or

(*b*) by a statutory declaration in the form OA set out in Schedule 11 to these Regulations.

(3) Upon registering the change of name the Registrar shall return to the union one copy of the application endorsed with the word " Registered " and duly authenticated.

*Modification of forms relating to matters delegated to the Assistant Registrar for Scotland*

**10.** The aforementioned forms of application TA, VA and NA relating to amalgamations, transfers of engagements and changes of name to which this Regulation applies shall be addressed to the Assistant Registrar for Scotland instead of to the Chief Registrar of Friendly Societies and the said forms shall be modified accordingly. This Regulation applies to amalgamations, transfers of engagements and changes of name as respects which the Chief Registrar of Friendly Societies has for the time being in pursuance of his powers under section 8 of the Act of 1964 appointed the Assistant Registrar for Scotland to act on his behalf.

*Amalgamations or transfers involving Northern Ireland unions*

**11.** Where a Northern Ireland union is a party to an amalgamation or transfer of engagements these Regulations shall have effect subject to the following modifications, that is to say—

(*a*) Regulations 4, 6(3) and 8 shall not apply to a Northern Ireland union ;

(*b*) Regulation 5(2) shall not apply to an instrument of transfer where the transferor union is a Northern Ireland union ;

(*c*) Regulation 6 shall not require any statutory declaration from, or any information as to the votes recorded by, a Northern Ireland union, and the Registrar may modify the forms TA and VA accordingly ;

(*d*) the application to the Registrar under Regulation 6(2) for the registration of an instrument of transfer shall be submitted by the transferor union in a case where the transferee union is a Northern Ireland union ; and

(*e*) so much of paragraph (1) of Regulation 7 as relates to the rules of a registered union shall not apply if the amalgamated union is to be a Northern Ireland union.

*Fees*

**12.** The following fees shall be payable in advance—

| | |
|---|---|
| For registration of an instrument of amalgamation or transfer ... ... | £10 |
| For registration of a change of name ... | £2 |
| For inspection of documents kept by the Registrar or any assistant registrar under the Act of 1964, or for a copy or extract of any such document, or for any document certified as a true copy of any such document ... ... | the fees (if any) payable for the like matters under Regulation (24) of the Trade Union Regulations 1876. |

*Joseph Godber,*
Minister of Labour.

15th June 1964.

We approve Regulation 12.

*M. A. Hamilton,*
*Ian MacArthur,*
Two of the Lords Commissioners of Her Majesty's Treasury.

15th June 1964.

## SCHEDULE 1 Regulation 5(1)

### CONTENTS OF INSTRUMENT OF AMALGAMATION

1. The instrument shall state that it is an instrument of amalgamation between the unions named therein as the amalgamating unions, and that upon the coming into operation of the instrument the members of the amalgamating unions will become members of the amalgamated union and be subject to that union's rules.

2. The instrument shall either set out the proposed rules of the amalgamated union or state who are the persons authorised to draw up those rules.

3. If the instrument does not set out the proposed rules, it shall contain a summary of what those rules will provide with respect to the following matters—

(1) the name and principal objects of the amalgamated union ;

(2) the conditions of admission to membership ;

(3) the organisation of the amalgamated union, including the methods of appointing and removing its governing body and other principal officers and of altering its rules ; and

(4) the contributions and benefits applicable to members of the amalgamating unions.

4. The instrument shall specify any property held for the benefit of any of the amalgamating unions or for the benefit of a branch of any of those unions which is not to be vested in the appropriate trustees as defined in section 5(3) of the Act of 1964, and shall state the proposed disposition of any such property.

5. The instrument shall state whether the amalgamated union is to be a registered union.

6. Without prejudice to section 1(5) of the Act of 1964, the instrument shall state the date on which it is to take effect.

7. The instrument shall be signed by three members of the committee of management or other governing body and the secretary of each of the amalgamating unions.

## SCHEDULE 2 Regulation 5(2)

### CONTENTS OF INSTRUMENT OF TRANSFER

1. The instrument shall state that it is an instrument of transfer of the engagements of the union named therein as the transferor union to the union named therein as the transferee union, and that upon the coming into operation of the instrument the members of the transferor union will become members of the transferee union and be subject to that union's rules.

2. The instrument shall—

(1) state what contributions and benefits will be applicable to members of the transferor union under the transferee union's rules ;

(2) if members of the transferor union are to be allocated to a branch or branches of the transferee union, give particulars of such allocation or the method by which it will be decided ;

(3) state whether before registration of the instrument the transferee union's rules are to be altered in their application to members of the transferor union and, if so, the effect of any such alterations ; and

(4) (without prejudice to section 1(5) of the Act of 1964) state the date on which the instrument is to take effect.

3. The instrument shall specify any property held for the benefit of the transferor union or for the benefit of a branch of the transferor union which is not to be vested in the appropriate trustees as defined in section 5(3) of the Act of 1964, and shall state the proposed disposition of any such property.

4. The instrument shall be signed by three members of the committee of management or other governing body and the secretary of each of the unions.

Regulation 6(1)

## SCHEDULE 3

### FORM TA

### TRADE UNION (AMALGAMATIONS, ETC.) ACT 1964

APPLICATION FOR REGISTRATION OF INSTRUMENT OF AMALGAMATION

To the Chief Registrar of Friendly Societies,

Names (and Register Nos. if any) of Amalgamating Trade Unions .....
.....
.....
.....

1. Application is hereby made for registration of the instrument of amalgamation of the above-named trade unions.

2. Annexed to this application are two copies of the said instrument and of the proposed rules of the amalgamated union which is to be called the .....

3. The votes recorded by each of the amalgamating unions on the resolution approving the instrument of amalgamation were as follows—

| *Name of Union* | *Votes for* | *Votes Against* |
|---|---|---|
| ..... | ..... | ..... |
| ..... | ..... | ..... |
| ..... | ..... | ..... |
| ..... | ..... | ..... |

*Signed .....
.....
..... } Three members of the committee of management or other governing body of [name of trade union].

..... Secretary of [name of trade union].

.....
.....
..... } Three members of the committee of management or other governing body of [name of trade union].

..... Secretary of [name of trade union].

Name and address to which registered copy is to be sent.....
.....

Date ..... 19.....

*Where more than two trade unions are being amalgamated provide for further signatures as may be required.

Regulation 6(1)

## SCHEDULE 4

### FORM UA

### TRADE UNION (AMALGAMATIONS, ETC.) ACT 1964

STATUTORY DECLARATION IN SUPPORT OF APPLICATION FOR REGISTRATION OF INSTRUMENT OF AMALGAMATION

Name of Trade Union.....Register No. (if any).....

I.....of....., the secretary of the above-named trade union, do solemnly and sincerely declare that a resolution approving the instrument of amalgamation in respect of which the accompanying application for registration is made has been passed by the said trade union on a vote taken in accordance with the provisions of the Trade Union (Amalgamations, etc.) Act 1964, and that the votes recorded by the union on the resolution were as stated in the said application.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

*Taken and received before me, one of Her Majesty's Justices of the Peace for the County of..... at.....in the said County, this.....day of..... 19.....

*This is to be altered as the case requires where any declaration is made before a Borough Magistrate or Commissioner for Oaths.

SCHEDULE 5 Regulation 6(2)

FORM VA

TRADE UNION (AMALGAMATIONS, ETC.) ACT 1964

APPLICATION FOR REGISTRATION OF INSTRUMENT OF TRANSFER OF ENGAGEMENTS

To the Chief Registrar of Friendly Societies,

Name of Trade Union transferring its engagements.....Register No. (if any).....
Name of Trade Union accepting transfer of engagements.....Register No. (if any).....

1. Application is hereby made for registration of the instrument of transfer of the engagements of the first-named trade union (hereinafter called "the transferor union") to the second-named trade union (hereinafter called "the transferee union").

2. Annexed to this application are two copies of the said instrument [*and two copies of the rules of the transferee union].

3. The votes recorded by the transferor union on the resolution approving the instrument of transfer were as follows:

| *Votes for* | *Votes Against* |
|---|---|
| ..... | ..... |

4. The transferee union has.....[state by what authority the transfer has been accepted].....undertaken to fulfil the engagements of the transferor union in accordance with the instrument of transfer.

Signed ..... } Three members of the committee of management or other governing body of the transferor union.
..... }
..... }

..... Secretary of the transferor union.

..... } Three members of the committee of management or other governing body of the transferee union.
..... }
..... }

..... Secretary of the transferee union.

Name and address to which registered copy is to be sent.....

.....

Date ..... 19.....

*To be included only if the transferee union is unregistered.

Regulation 6(2)

## SCHEDULE 6

### FORM WA

### TRADE UNION (AMALGAMATIONS, ETC.) ACT 1964

STATUTORY DECLARATION ON BEHALF OF TRANSFEROR UNION IN SUPPORT OF APPLICATION FOR REGISTRATION OF INSTRUMENT OF TRANSFER OF ENGAGEMENTS

Name of Trade Union.....Register No. (if any).....

I..... of....., the secretary of the above-named trade union, do solemnly and sincerely declare that a resolution approving the instrument of transfer of engagements in respect of which the accompanying application for registration is made has been passed by the said trade union on a vote taken in accordance with the provisions of the Trade Union (Amalgamations, etc.) Act 1964, and that the votes recorded by the union on the resolution were as stated in the said application.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

*Taken and received before me, one of Her Majesty's Justices of the Peace for the County of..... at ..... in the said County, this..... day of..... 19.....

*This is to be altered as the case requires where any declaration is made before a Borough Magistrate or Commissioner for Oaths.

Regulation 6(2)

## SCHEDULE 7

### FORM XA

### TRADE UNION (AMALGAMATIONS, ETC.) ACT 1964

STATUTORY DECLARATION ON BEHALF OF TRANSFEREE UNION IN SUPPORT OF APPLICATION FOR REGISTRATION OF INSTRUMENT OF TRANSFER OF ENGAGEMENTS

Name of Trade Union..... Register No. (if any).....

I..... of....., the secretary of the above-named trade union, do solemnly and sincerely declare that by..... [state by what authority the transfer has been accepted]..... the said trade union has undertaken to fulfil the engagements of the ..... in accordance with the instrument of transfer of engagements in respect of which the accompanying application for registration is made [†and that the rules annexed to the said application are the complete rules of the transferee union.]

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

*Taken and received before me, one of Her Majesty's Justices of the Peace for the County of..... at ..... in the said County, this..... day of..... 19.....

†To be included only if the transferee union is unregistered.

*This is to be altered as the case requires where any declaration is made before a Borough Magistrate or Commissioner for Oaths.

SCHEDULE 8 Regulation 8(2)

FORM CA

TRADE UNION (AMALGAMATIONS, ETC.) ACT 1964

APPLICATION FOR REGISTRATION OF RULES AS ALTERED PURSUANT TO SECTION 3 OF THE ABOVE ACT

To the Chief Registrar of Friendly Societies [the Assistant Registrar for Scotland]
..... Trade Union Register No.....

1. This application for the registration of a partial alteration of the rules of the..... trade union, is made by the seven persons whose names are subscribed at the foot hereof.

2. With this application are sent–

(*a*) a printed copy of the registered rules marked to show where and in what way they are altered ;

(*b*) two printed [or written] copies of the alteration, each marked O, signed by each of the applicants ; and

(*c*) a statutory declaration of an officer of this trade union that the alteration of rules now submitted for registration was made in exercise of the power conferred by section 3 of the Trade Union (Amalgamations, etc.) Act 1964.

3. We have been duly authorised by the [name of governing body] of the union to make this application on its behalf.

(Signed) 1. .....
2. .....
3. .....
4. .....
5. .....
6. .....
7 .....

Date..... 19.....

SCHEDULE 9 Regulation 8(2)

FORM DA

TRADE UNION (AMALGAMATIONS, ETC.) ACT 1964

STATUTORY DECLARATION IN SUPPORT OF APPLICATION FOR REGISTRATION OF RULES AS ALTERED IN PURSUANCE OF SECTION 3 OF THE ABOVE ACT

..... Trade Union Register No.....

I..... of....., an officer of the above-named trade union, do solemnly and sincerely declare that the alteration of the rules of the trade union, the application for the registration of which is appended to this declaration, has been made by the [name of governing body] of the union by memorandum in writing in exercise of the power conferred by section 3 of the Trade Union (Amalgamations, etc.) Act 1964.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

*Taken and received before me, one of Her Majesty's Justices of the Peace for the County of..... at ..... in the said County, this..... day of..... 19.....

*This is to be altered as the case requires where any declaration is made before a Borough Magistrate or Commissioner for Oaths.

Regulation 9(1)

## SCHEDULE 10

### FORM NA

### TRADE UNION (AMALGAMATIONS, ETC.) ACT 1964

APPLICATION FOR REGISTRATION OF CHANGE OF NAME

To the Chief Registrar of Friendly Societies,

1. Application is hereby made for registration of a change of the name of the ..... [present name and register No. of trade union] to the following new name:

.....

2. The union has made this change of name [*by the method of doing so expressly provided by rule ....., and a declaration in the Form OA accompanies this application.] [*by adopting in accordance with its rules an alteration of the provision in them which gives the union its name, and an application for registration of the said alteration of rules accompanies this application.]

Signed .....
.....
.....
} Three members of the committee of management or other governing body.

..... Secretary.

Date ..... 19.....

*Delete whichever is inapplicable.

Regulation 9(2)

## SCHEDULE 11

### FORM OA

### TRADE UNION (AMALGAMATIONS, ETC.) ACT 1964

STATUTORY DECLARATION IN SUPPORT OF APPLICATION FOR REGISTRATION OF CHANGE OF NAME

Name of trade union ..... Register No. .....

I ..... of ....., the secretary of the above-named trade union, do solemnly and sincerely declare that the union has made the change of name, application for registration of which is appended to this declaration, by the method of doing so expressly provided for by rule ..... of the union's rules in accordance with section 6(1) of the Trade Union (Amalgamations, etc.) Act 1964.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

*Taken and received before me, one of Her Majesty's Justices of the Peace for the County of..... at ..... in the said County, this..... day of..... 19.....

* This is to be altered as the case requires where any declaration is made before a Borough Magistrate or Commissioner for Oaths.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations make provision as to the manner in which trade unions are required to obtain the Registrar's approval to proposed instruments of amalgamation or transfer and proposed notices to members in connection therewith ; as to the content and registration of such instruments ; and as to the registration of alterations in the rules or of changes of name of a trade union.

The Regulations also prescribe the fees payable for the registration of instruments of amalgamation or transfer or of changes of name.