

# Political fund rules 2022

June 2022

## Part 17: Political fund

**17.1** The objects of Prospect 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) 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 their 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.

**17.2** 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).

- (1) The Trustees of Prospect political fund shall be the Trustees of Prospect as appointed in Rule 11.5.
- (2) Notwithstanding the provisions of Rule 13.1, the affiliation of Prospect to a political party will be subject to prior Conference approval following a full ballot of the membership, such ballot being authorised by Conference alone.
- (3) Notwithstanding the provisions of Rule 11.2, any contributions to the fund of a political party will be subject to prior Conference approval following a full ballot of the membership, such ballot being authorised by Conference alone.

**17.3** The particular rules which apply to those people that joined the Union on or after 1 March 2018 and to political funds set up on or after 1 March 2018 are set out in Schedule 1 to these rules together with the particular rules which apply to Northern Ireland members.

**17.4** The particular rules which apply to those people that joined the Union before 1 March 2018 and to political funds set up before 1 March 2018 are set out in Schedule 2 to these rules.

**17.5** 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 them is a contribution to the political fund of the Union, it is hereby provided that:

- (1) For members who have joined the Union before 1 March 2018, in accordance with Schedule 2 Clause 6, the contribution to the political fund is 5 pence per month (for those non-exempt members who pay their general subscription monthly) or 60 pence per annum payable on the first day of January each year.
- (2) For members who join the Union on or after 1 March 2018, the membership subscription rate payable under Rules 2.13-2.18 shall be deemed not to include any sum payable by them as a contribution to the political fund of the Union.
- (3) Such members in paragraph 17.5 (2) who decide to opt in to make contributions to the political fund shall be required to pay a sum in addition to the membership subscription payable under Rules 2.13 – 2.18, equivalent to 5 pence per month (for those members who pay their general subscription monthly) or 60 pence per annum payable on the first day of January each year.
- (4) The frequency and manner in which the political fund contribution is collected shall be decided by the NEC.
- (5) Any member who is exempt shall be relieved from paying the sum of 5 pence per month or 60 pence per annum in addition to the membership subscription payable. They will only be required to pay the membership subscription as provided for under Rules 2.13-2.18 and shall not be entitled to any reduction in membership subscription or otherwise receive a rebate.

**17.6** 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 them being so exempt.

**17.7** If any member alleges that they are 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, they may complain to the Certification Officer, and the Certification Officer, after making such enquiries as they think fit and after giving the complainant and the union an opportunity of being heard, may, if they consider that such a breach has been committed, make such order for remedying the breach as they think 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.

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

**17.9** 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.

**17.10** 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.

## Rule for a ballot to maintain a political fund

**17.11** Rule for a ballot under section 74 of the Trade Union and Labour Relations (Consolidation) Act 1992 (as amended).

- (1) The National Executive Committee (NEC) shall be responsible to the Union for securing that the ballot which is held to establish a political fund is conducted in accordance with this rule. This responsibility cannot be delegated, even where the responsibility for

carrying out a particular duty falls upon a person not subject to the rules of the Union.

- (2) A ballot shall not be taken to have been conducted by the Union in accordance with this rule if a requirement imposed by or under any enactment in relation to the ballot has been contravened.

### Interpretation

- (3) In this rule, 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 Employer’s Association whose e-mail address is info@certoffice.org;  
“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 National Executive Committee;  
“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 this rule;  
“person” in relation to the position of an independent person or a scrutineer, includes an incorporated and unincorporated body of persons;  
“proper address” in relation to any member means their home address or other address which they have requested the Union in writing to treat as their postal address under section 24(5) of the Act;  
“return envelope” means an envelope in the form required by this rule;  
“scrutineer” means the independent person appointed by the Union to that position in relation to the ballot under section 75 of the Act and this rule;  
“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 sections 79 – 81 (complaint of failure to comply with the ballot rules) of the Act, until the Certification Officer or the court authorises them 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 this rule;

### Purpose of this Rule

- (4) This rule is adopted for the purposes of a ballot under section 73 of the Act and applies only to such a ballot.

### Copy of this Rule to be available to Members

- (5) The NEC shall ensure that a copy of this rule is supplied, free of charge, to any member of the Union who requests a copy.

### Appointment of a Scrutineer where the Scrutineer acts as the independent person

- (6) The NEC shall, before the ballot is held, appoint a scrutineer to carry out the functions in relation to the ballot as are required under the Act, to act as the independent person (under section 77A of the 1992 Act) in relation to the ballot and to carry out such additional functions as are specified in the appointment.
- (7) Before making the appointment referred to in sub rule 17.11(6) the NEC shall satisfy itself that the person in question:
  - (a) 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 this rule, contained in the Trade Union

Ballots and Elections (Independent Scrutineer Qualifications)(Amendment) Order 2017 (SI 2017/877); and

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

#### **Terms of the Appointment**

- (8) 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 them in accordance with section 75(5A)(a) of the Act whenever it appears to them 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 them 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 them by the Union for the period specified before disposal, as defined in sub rule 17.11 (3);
  - (g) to carry out such other functions in relation to the ballot as are required of them under this rule or otherwise, as the executive considers appropriate;
  - (h) to store in a secure place any unused voting papers or voting papers which are returned undelivered until disposal;
  - (i) to respect the duty of confidentiality in respect of the register; and
  - (j) to carry out these tasks in a manner which minimises the risk of any contravention of requirements imposed by or under any enactment or these rules or the occurrence of any unfairness or malpractice.

#### **Notice of Appointment**

- (9) Before the scrutineer begins to carry out any of these functions the NEC shall either:
  - (a) send a notice stating the name of the scrutineer to every member of the Union to whom it is reasonably practicable to send such a notice; or
  - (b) take all such other steps 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**

- (10) The NEC shall ensure that nothing in the terms of the scrutineer's appointment (including any additional functions specified in the appointment) is such as to make it reasonable for any person to call into question the scrutineer's independence in relation to the Union.
- (11) The NEC shall ensure that there is no interference with the scrutineer in carrying out the functions imposed on them 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.
- (12) The NEC shall ensure that 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.
- (13) Deleted

#### **Ballot Material**

- (14) The number of voting papers printed, and the number of dispatch and return envelopes produced, shall be sufficient for the holding of the ballot in accordance with this rule.
- (15) Save as expressly provided by this rule, nothing shall be written or printed and no mark shall be made on any part of the voting paper, dispatch envelope or return envelope before they are sent to members.

#### **Dispatch Envelopes**

- (16) 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 their 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**

- (17) Every voting paper shall be in or substantially in accordance with the form set out in Appendix 1 to this rule 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, every one 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**

- (18) 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**

- (19) The NEC 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**

- (20) Entitlement to vote in the ballot shall be accorded equally to all members. No member shall be entitled to more than one vote.
- (21) The ballot shall be conducted so as to secure that, so far as is reasonably practicable, those voting do so in secret.
- (22) So far as is reasonably practicable, every member who is entitled to vote in the ballot shall, in accordance with this rule:
- (a) be sent a voting paper by post to their home address or another address that the member has requested that the union treat as their 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.
- (23) 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.
- (24) Every member who is entitled to vote in the ballot shall have sent to them in a sealed dispatch envelope, at their proper address, by post:
- (a) a voting paper; and
  - (b) a return envelope addressed to the scrutineer.
- (25) 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 them a convenient opportunity to vote by post.
- (26) 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 sub rule 17.11 (3).

#### **Manner of Voting**

- (27) Every member who wishes to vote must return their voting paper by post duly marked and in the return envelope provided, to arrive at the address of the scrutineer on or before the date determined in accordance with these ballot rules.
- (28) The scrutineer shall store in a secure place any voting papers returned to them undelivered and shall keep a

record of any voting paper so returned.

- (29) 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 sub rule 17.11 (3). The scrutineer shall at all times take all reasonable steps to secure their 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 this rule or the occurrence of any unfairness or malpractice.

#### **Counting of the Ballot**

- (30) 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.
- (31) 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 sub rule 17.11 (25).
- (32) 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.
- (33) 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.
- (34) 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".
- (35) Those voting papers which are not rejected shall be counted.
- (36) 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 sub rule 17.11 (3).

#### **Scrutineer's Report**

- (37) 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 this rule. 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 of this rule in

- relation to the ballot;
- (ii) is satisfied that the arrangements made (whether by them 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 they have been able to carry out their functions without any interference as would make it reasonable for any person to call their independence in relation to the Union into question;
  - (iv) has inspected the register of names and addresses of members of the Union or has examined a copy of the register supplied to them under this rule.
- (38) If the scrutineer is not satisfied as to any of the matters set out in sub rule 17.11 (37) (f), the report shall give particulars of his/her reasons for not being satisfied as to that matter.
- (39) If the scrutineer has inspected the register in accordance with these ballot 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 their own instance, and say, if appropriate, whether they 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 they consider 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**

- (40) 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**

- (41) The result of the ballot shall not be published until the Union has received the scrutineer's report.
- (42) Within three months from the date on which the Union receives the scrutineer's report the executive 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 is the practice of the Union to take when matters of general interest to all its members need to be brought to their attention.
- (43) The executive shall ensure that any copy sent or notification given under sub rule 17.11 (37) 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 them.

**Appendix 1**

**Voting paper**

Ballot paper number:

*Prospect*

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. 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: Electoral Reform Ballot Services Ltd

Address to which voting paper is to be sent:  
33 Clarendon Road, London N8 0NW

**Appendix 1 (reverse)**

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

This section applies to the following political objects:

The expenditure of money;

- (a) on any contribution to the funds of, or on the payment of any 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.

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 their 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.

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.

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.”

## Appendix 2

### Prospect

#### Explanatory Statement

This ballot gives you the opportunity to vote on whether Prospect should be able to spend money for political purposes. The law says it must have a political fund to do this.

Trade Unions with political funds must ballot their members at least every ten years if they wish to keep the political fund.

Prospect wishes to keep its political fund which was set up in 2003 and seeks your approval.

The political purposes on which money in a political fund may be spent are governed by section 72 of the Trade Union and Labour Relations (Consolidation) Act 1992 (as amended). This is printed on the back of the ballot paper.

This ballot is about keeping Prospect’s political fund. It is not about whether you contribute to the fund. All members have the right to vote and, if the vote is in favour of retention, the right not to contribute to the fund.

If you agree that Prospect should continue to have a political fund vote ‘yes’ on the resolution enclosed. If you disagree vote ‘no’

### Schedule 1 – Rules that apply to members who joined the Union on or after 1 March 2018 and to political funds set up on or after 1 March 2018.

#### 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 the 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 the 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: [membership@prospect.org.uk](mailto:membership@prospect.org.uk)
  - (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.

#### Overseas members of the union will not be sent the notification.

8. The Union shall send to the Certification Officer a copy of the notification which is provided to its members 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 they are 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, they 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 they think 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 each member’s decision not to contribute to the political fund of the Union. For members joining the Union on or after 1 March 2018 this means that they will not be required to pay 5 pence per month or 60 pence per annum in addition to the subscription payable under Rules 2.13 – 2.18.
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 out 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).

## Schedule 2 – Rules that apply to members that joined the Union before 1 March 2018 and political funds set up before 1 March 2018.

### Notice to Members

1. The National Executive Committee, as soon as practicable after the adoption by ballot of a resolution of Prospect approving the furtherance of such political objects as an object of Prospect, shall cause a notice in the following form to be given to each member of Prospect in accordance with this rule:

“Trade Union and Labour Relations (Consolidation) Act 1992

A resolution approving the furtherance of political objects within the meaning of the above Act as an object of Prospect has been adopted by a ballot under the Act.

Any payments in the furtherance of those objects will be made out of a separate fund, the political fund of Prospect, but every member of Prospect 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, Prospect headquarters, or from any Branch Secretary of Prospect or from the Certification Office for Trade Unions and Employers’ Associations, by e-mailing info@certoffice.org.

This form when filled in, or a written request in a form to the like effect, should be handed or sent to Prospect headquarters.”

The notice shall be published in such manner, whether in Prospect journal, report, website or otherwise, as notices are usually given by Prospect or its branches to its members and shall also be kept posted for at least twelve months on the Prospect website. Prospect shall supply a copy of the notice to any member on request. The National Executive Committee shall provide the secretary of each branch with a copy of the notice.

### Request for Exemption

2. Any member of Prospect may at any time give notice on the form of exemption notice referred to in Schedule 2 Clause 3, or by written request in a form to the like effect, that they object to contributing 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, Prospect headquarters, or from any Branch Secretary of Prospect or from the Certification Office for Trade Unions and Employers’ Associations, by e-mailing info@certoffice.org.
3. The form of exemption notice shall be as follows:

#### Prospect

#### Political Fund Exemption Notice

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

Signature .....

Number of Branch .....

Address .....

Date ..... Membership No .....

4. Any member may obtain exemption by sending such notice to the General Secretary and, on receiving it, the General Secretary shall send an acknowledgement of its receipt to the member at the address upon the notice and shall process the exemption as soon as reasonably practicable.
5. On giving such notice, a member shall be exempt, so long as that notice is not withdrawn, from contributing to the political fund of Prospect as from the date when the next payment is due or from the first day of January

next after the notice is given, whichever is the sooner, or in the case of a notice given within one month after the notice given to members under Schedule 2 Clause 1 hereof or after the date on which a new member admitted to Prospect is supplied with a copy of these rules under Schedule 2 Clause 9 hereof, as from the date on which the member’s notice is given.

6. The National Executive Committee shall give effect to the exemption of members to contribute to the political fund of Prospect by making a separate levy of contributions to that fund from the members of Prospect who are not exempt, namely, 5p per month from all non- exempt members who pay their general subscription monthly or 60p per annum payable on the first day of January of each year from all other non-exempt members. Notwithstanding any other provisions as to the alteration of the rules, this rule may be altered from time to time as to the amount payable by way of levy by a simple majority vote of Conference. No monies of Prospect other than the amount raised by such separate levy shall be carried to the fund.

The first levy shall not come into force until the expiration of one month from the publication of the notice to members under Schedule 2 Clause 1 hereof, nor shall any levy come into force as respects a new member until the expiration of one month from the member being supplied with a copy of these rules under Schedule 2 Clause 1 hereof following admission to Prospect.

7. If any member alleges being aggrieved by a breach of any of the rules for the political fund, being a rule or rules made pursuant to Section 82 of the Act, that member may complain to the Certification Officer and the Certification Officer, after giving the complainant and an authorised representative of Prospect an opportunity of being heard, may, if the Certification Officer considers that such a breach has been committed, make such order for remedying the breach as the Certification Officer 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 Act, be enforced in the manner provided for in Section 82(4) of the Act.
8. Any member may withdraw their notice of exemption on notifying their desire to that effect to the General Secretary, who shall thereupon send such member an acknowledgement of receipt of the notification.
9. The National Executive Committee shall cause to be printed, as soon as practicable after the approval of these rules for the political fund, a number of copies thereof having at the end a copy of the certificate of approval sufficient for the members of Prospect, and further number for new members. The General Secretary of Prospect shall take steps to secure that every member of Prospect so far as practicable, receives a copy of these rules. Any member shall be supplied with a copy of these rules by application either to the General Secretary of Prospect or any Branch office of Prospect. A copy thereof shall also be supplied forthwith to every new member on admission to Prospect.

### Political Fund (Northern Ireland)

13. In the application of the rules to Northern Ireland the following modifications shall have effect
- 13.1 Under Article 59 of the Trade Union and Labour Relations (Northern Ireland) Order 1995, no member of Prospect in Northern Ireland shall be required to make any contribution to the political fund of Prospect unless that member has delivered, as provided in Schedule 1 Clause 1 at Prospect headquarters, or to any Branch Secretary of Prospect, a notice in writing, in the form set out in Schedule 1 Clause 1 of a willingness to contribute to that fund, and has not withdrawn that notice in the manner provided in Schedule 1 Clause 2. Every member of Prospect who has not delivered such a notice or who, having delivered such

a notice, has withdrawn it in manner provided in Schedule 2 Clause 4 Rule is to be deemed for the purpose of these rules to be a member who is exempt from the obligation to contribute to the political fund of Prospect.

**13.2** The form of notice of willingness to contribute to the political fund of Prospect is as follows:

**FORM OF POLITICAL FUND CONTRIBUTION NOTICE FOR NORTHERN IRELAND MEMBERS**

*Prospect*

Name of member's branch .....

Political Fund .....

(Contribution notice) .....

I HEREBY give notice that I am willing, and agree to contribute to the political fund of Prospect and I understand that I shall, in consequence, be liable to contribute to that fund and shall continue to be so liable unless I deliver at Prospect headquarters, or to any Branch office of Prospect, a written notice of withdrawal; I also understand that after delivering such a notice of withdrawal I shall continue to be liable to contribute to the political fund until the next following first day of January.

Signature .....

Number of Branch .....

Address .....

Date ..... Membership No .....

**13.3** If at any time a member of Prospect who has delivered such a notice as is provided for in Schedule 2 Clauses 2 and 3 gives notice of withdrawal thereof delivered as provided in Schedule 2 Clause 5 at Prospect headquarters, or to any Branch office of Prospect, that member shall be deemed to have withdrawn the notice as from the next following first day of January.

**13.4** The notices referred to in Schedule 2 Clauses 2, 3 and 4 may be delivered personally by the member or by any authorised agent of the member and any notice shall be deemed to have been delivered at Prospect headquarters, or to any Branch office of Prospect, if it has been sent by post properly addressed to that office.

**13.5** The National Executive Committee shall give effect to the statutory exemption of Northern Ireland members to contribute to the political fund of Prospect by making a separate levy of contributions to that fund from the members of Prospect who are not exempt, namely 5p per month from all non-exempt members who pay their general subscription monthly or 60p per annum payable on the first day of January each year from all other non-exempt members. Notwithstanding any other provision as to the alteration of the rules, this rule may be altered from time to time as to the amount payable by way of levy by a simple majority vote of Conference.

No levy shall come into force as respects a new member who has agreed to the political fund until the expiration of one month from that member being supplied with a copy of these rules under Schedule 2 Clause 9 hereof on admission to Prospect.

**13.6** If any Northern Ireland member alleges being aggrieved by a breach of any of the rules made pursuant to Article 59 of the Trade Union and Labour Relations (Northern Ireland) Order 1995, that member may complain to the Northern Ireland Certification Officer at info@nicertoffice.org.uk, under Article 57 (2) to (4) of that Order.

If after giving the complainant and a representative of the Union an opportunity to be heard the Certification Officer considers that a breach has been committed, the Certification Officer may make an order for remedying it

as the Certification Officer thinks just in the circumstances. Under Article 70 (4) (b) of The Industrial Relations (Northern Ireland) Order 1992 69 an appeal against any decision of the Certification Officer may be made to the Northern Ireland Court of Appeal on a question of law.

Moreover, if any Northern Ireland member alleges being aggrieved by a breach of the political fund rules made pursuant to Section 82 of the Trade Union and Labour Relations (Consolidation) Act 1992, that member may complain to the GB Certification Officer at info@certoffice.org. After giving the complainant and a representative of the Union an opportunity of being heard, the GB Certification Officer considers that a breach has been committed, the GB Certification Officer may make an order for remedying it as the GB Certification Officer thinks is just in the circumstances. Any such order of the GB Certification Officer is subject to the right of appeal provided for by Section 95 of the 1992 Act."

**Schedule 2 – Rules that apply to members that joined the Union before 1 March 2018 and political funds set up before 1 March 2018.**

**Notice to Members**

**1.** The National Executive Committee, as soon as practicable after the adoption by ballot of a resolution of Prospect approving the furtherance of such political objects as an object of Prospect, shall cause a notice in the following form to be given to each member of Prospect in accordance with this rule:

"Trade Union and Labour Relations (Consolidation) Act 1992

A resolution approving the furtherance of political objects within the meaning of the above Act as an object of Prospect has been adopted by a ballot under the Act.

Any payments in the furtherance of those objects will be made out of a separate fund, the political fund of Prospect, but every member of Prospect 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, Prospect headquarters, or from any Branch Secretary of Prospect or from the Certification Office for Trade Unions and Employers' Associations, info@nicertoffice.org.uk.

This form when filled in, or a written request in a form to the like effect, should be handed or sent to Prospect headquarters."

The notice shall be published in such manner, whether in Prospect journal, report, website or otherwise, as notices are usually given by Prospect or its branches to its members, and shall also be kept posted for at least twelve months on the Prospect website. Prospect shall supply a copy of the notice to any member on request. The National Executive Committee shall provide the secretary of each branch with a copy of the notice.

**Request for Exemption**

**2** Any member of Prospect may at any time give notice on the form of exemption notice referred to in Schedule 2 Clause 3, or by written request in a form to the like effect, that they object to contributing 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, Prospect headquarters, or from any Branch Secretary of Prospect or from the Certification Office for Trade Unions and Employers' Associations at info@nicertoffice.org.uk.

**3** The form of exemption notice shall be as follows:

*Prospect*

Political Fund Exemption Notice

I HEREBY give notice that I object to contributing to the political fund of Prospect and am in consequence exempt, in manner provided by Chapter VI of the Trade Union

and Labour Relations (Consolidation) Act 1992, from contributing to that fund.

Signature .....  
Number of Branch .....  
Address .....  
Date ..... Membership No .....

- 4** Any member may obtain exemption by sending such notice to the General Secretary and, on receiving it, the General Secretary shall send an acknowledgement of its receipt to the member at the address upon the notice and shall process the exemption as soon as reasonably practicable.
- 5** On giving such notice, a member shall be exempt, so as long as that notice is not withdrawn, from contributing to the political fund of Prospect as from the date when the next payment is due or from the first day of January next after the notice is given, whichever is the sooner, or in the case of a notice given within one month after the notice given to members under Schedule 2 Clause 1 hereof or after the date on which a new member admitted to Prospect is supplied with a copy of these rules under Schedule 2 Clause 9 hereof, as from the date on which the member's notice is given.
- 6** The National Executive Committee shall give effect to the exemption of members to contribute to the political fund of Prospect by making a separate levy of contributions to that fund from the members of Prospect who are not exempt, namely, 5p per month from all non- exempt members who pay their general subscription monthly or 60p per annum payable on the first day of January of each year from all other non-exempt members. Notwithstanding any other provisions as to the alteration of the rules, this rule may be altered from time to time as to the amount payable by way of levy by a simple majority vote of Conference. No monies of Prospect other than the amount raised by such separate levy shall be carried to the fund.

The first levy shall not come into force until the expiration of one month from the publication of the notice to members under Schedule 2 Clause 1 hereof, nor shall any levy come into force as respects a new member until the expiration of one month from the member being supplied with a copy of these rules under Schedule 2 Clause 1 hereof following admission to Prospect.

- 7** If any member alleges being aggrieved by a breach of any of the rules for the political fund, being a rule or rules made pursuant to Section 82 of the Act, that member may complain to the Certification Officer and the Certification Officer, after giving the complainant and an authorised representative of Prospect an opportunity of being heard, may, if the Certification Officer considers that such a breach has been committed, make such order for remedying the breach as the Certification Officer 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 Act, be enforced in the manner provided for in Section 82(4) of the Act.
- 8** Any member may withdraw their notice of exemption on notifying their desire to that effect to the General Secretary, who shall thereupon send such member an acknowledgement of receipt of the notification.
- 9** The National Executive Committee shall cause to be printed, as soon as practicable after the approval of these rules for the political fund, a number of copies thereof having at the end a copy of the certificate of approval sufficient for the members of Prospect, and further number for new members. The General Secretary of Prospect shall take steps to secure that every member of Prospect so far as practicable, receives a copy of these rules. Any member shall be supplied with a copy of these rules by application either to the General Secretary of Prospect or any Branch office of Prospect. A copy thereof shall also be supplied forthwith to every new member on admission to Prospect.



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