ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER T35

TRADE UNIONS ACT

Showing the Law as at 31 December 2022

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates—

Act 8/2003, in force 14 November 2003
Act 16/2006, in force 31 October 2006
Act 7/2010, in force 1 November 2010

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TRADE UNIONS ACT

TABLE OF CONTENTS

SECTION

1. Interpretation
2. Appointment of Registrar
3. Trade unions
4. When objects of union not unlawful
5. When trade union contract not enforceable
6. Prohibition of actions of tort against trade union
7. Conspiracy in relation to trade disputes
8. Removal of liability for interfering with another person's business
9. Intimidation or annoyance
10. Peaceful picketing
11. Acts not applicable to unions
12. Register of trade unions
13. Registration to be effected by committee or trustees
14. Provisions relating to registration
15. Withdrawal or cancellation of certificate of registration
16. Land for unions may be purchased or leased
17. Property of unions vested in trustees
18. Absence or disability of trustees
19. Action by or against trustees
20. Limitation of responsibility of trustee
21. Officers, accounts and audit
22. Withholding or misapplying trade union effects
23. Regulations
24. Rules of registered unions
25. Registered office of union
26. Membership of minors
27. Nomination by member
28. Change of name
29. Amalgamation of unions
30. Registration of change of name and amalgamation
31. Dissolution
32. Failure to give notice or send document
33. Statement of accounts and audit certificate, etc., to be transmitted to Registrar
34. Registrar's reports
35. Circulating false copies of rules
36. Restrictions on application of funds for certain political purposes
37. Notice of objection to contribution towards political objects
38. Mode of giving effect to exemption from contributions to political fund
39. Summary procedure

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40. Application of fees
41. Citation
SCHEDULE 1: Fees
SCHEDULE 2: Matters to be Provided for by Rules of Trade Unions Registered Under this Act
SCHEDULE 3: Form of Exemption Notice
SCHEDULE 4: *Repealed*

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TRADE UNIONS ACT

Interpretation

1. In this Act—

"Registrar" means the Registrar appointed under section 2;

"regulations" means the regulations made under this Act by the Governor in Council;

"rules" means rules made by a trade union as authorized by this Act;

"statutory objects" means the regulation of the relations between workmen and masters, or between workmen and workmen, or between masters and masters, or the imposing of restrictive conditions on the conduct of any trade or business, and also the provisions of benefits to members;

"trade dispute" means any dispute or difference between employers and workmen, or between workmen and workmen, connected with the employment or non-employment, or the terms of employment, or with the conditions of labour, of any person;

"trade union" means any combination whether temporary or permanent, the principal purposes of which are, under its constitution, the regulation of the relations between workmen and masters, or between workmen and workmen, or between masters and masters whether such combination would or would not, if this Act had not been enacted, have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade, but nothing in this Act—

(a) shall affect—

(i) any agreement between partners as to their own business,

(ii) any agreement between an employer and those employed by him as to such employment, or

(iii) any agreement in consideration of the sale of the goodwill of a business or of instruction in any profession, trade or handicraft; or

(b) shall preclude any trade union from providing benefits for its members;

"workmen" includes labourers.

Appointment of Registrar

2. The Governor may appoint a fit and proper person to be Registrar of Trade Unions.

Trade unions

3. The fact that a combination has, under its constitution, objects or powers other than statutory objects within the meaning of this Act shall not prevent the combination being a trade union for the purposes of this Act so long as the combination is a trade union as defined by this Act, and any such

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trade union shall have power to apply the funds of the union for any lawful object or purposes for the time authorized under its constitution.

When objects of union not unlawful

4. (1) The purposes of any trade union duly registered under this Act shall not, by reason merely that they are in restraint of trade, be deemed to be unlawful so as to render any member of such trade union liable to criminal prosecution for conspiracy or otherwise.

(2) The purposes of any trade union duly registered under this Act shall not by reason merely that they are in restraint of trade, be unlawful so as to render void or voidable any agreement or trust.

When trade union contract not enforceable

5. Nothing in this Act shall enable any court to entertain any legal proceedings instituted with the object of directly enforcing or recovering damages for the breach of—

(a) any agreement between members of a trade union as such concerning the condition on which any members for the time being of the union shall or shall not sell their goods, transact business, employ or be employed;

(b) any agreement for payment by any person for any subscription or penalty to a trade union;

(c) any agreement for the application for the funds of a trade union—

(i) to provide benefits to members,

(ii) to furnish contributions to any employer or workman not a member of that union in consideration of the employer or workman acting in conformity with the rules or resolutions of that union, or

(iii) to discharge any fine imposed upon any person by sentence of a court of justice;

(d) any agreement made between one trade union and another; or

(e) any bond to secure the performance of any of the above-mentioned agreements.

Nothing in this section shall be deemed to constitute any of the above-mentioned agreements unlawful.

Prohibition of actions of tort against trade union

6. (1) An action against a trade union, whether of workmen or masters, or against any members or officials thereof on behalf of themselves and all other members of the trade union in respect of any tortious act alleged to have been committed by or on behalf of the trade union, shall not be entertained by any court.

(2) Nothing in this section shall affect the liability of the trustees of a trade union to be sued in the events provided for in section 19, except in respect of any tortious act committed by or on behalf of the union in contemplation of or in furtherance of a trade dispute.

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Conspiracy in relation to trade disputes

7. (1) An agreement or combination by 2 or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute shall not be indictable as a conspiracy if such act committed by one person would not be punishable as a crime.

(2) An act done in pursuance of an agreement or combination by 2 or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable.

(3) A crime for the purposes of this section means an offence punishable on indictment, or an offence which is punishable on summary conviction and for the commission of which the offender is liable under the Act making the offence punishable to be imprisoned either absolutely or at the discretion of the Court as an alternative for some other punishment.

(4) Nothing in this section shall exempt from punishment any person guilty of a conspiracy for which a punishment is awarded by any law in force in Anguilla.

(5) Nothing in this section shall affect the law relating to riot, unlawful assembly, breach of the peace or sedition or any offence against the State or the Sovereign.

(6) Where a person is convicted of any such agreement or combination as aforesaid to do or procure to be done an act which is punishable on summary conviction, and is sentenced to imprisonment, the imprisonment shall not exceed 3 months, or such longer time, if any, as may have been prescribed by the law for the punishment of the act when committed by one person.

Removal of liability for interfering with another person's business

8. An act done by a person in contemplation or furtherance of a trade dispute shall not be actionable on the ground only that it induces some other person to break a contract of employment or that it is an interference with the trade, business, or employment of some other person, or with the right of some other person to dispose of his capital or his labour as he wills.

Intimidation or annoyance

9. Every person who, with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing, wrongfully and without legal authority—

(a) uses violence to or intimidates such other person or his wife or children or injures his property;

(b) persistently follows such other person about from place to place;

(c) hides any tools, clothes, or other property owned or used by such other person, or deprives him of or hinders him in the use thereof;

(d) watches or besets the house or other place where such other person resides, or works, or carries on business, or happens to be, or the approach to such house or place; or

(e) follows such other person with 2 or more other persons in a disorderly manner in or through any street or road;

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is guilty of an offence and on summary conviction is liable to a fine of $3,840 or to imprisonment for a term of 3 months or to both.

Peaceful picketing

10. It shall be lawful for one or more persons, acting on their own behalf or on behalf of a trade union or of an individual employer or firm in contemplation or furtherance of a trade dispute, to attend at or near a house or place where a person resides or works or carries on business or happens to be, if they so attend merely for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or abstain from working.

Acts not applicable to unions

11. The following Acts, that is to say—

(a) the Friendly Societies Act and any Acts amending it; and

(b) the Companies Act* and any Acts amending it;

shall not apply to a trade union.

Register of trade unions

12. The Registrar shall keep a register of all trade unions registered under this Act in the form required by the regulations, and shall discharge all duties required by this Act and by the regulations.

Registration to be effected by committee or trustees

13. (1) Upon the establishment of a trade union, it shall be the duty of the committee of management or trustees appointed in that behalf, or in default of any such appointment, the directing authority by whatever name it may be called, of such union, to make application for registration within 30 days after the date of the establishment of such union.

(2) In the case of a trade union established before 19th February, 1940, this section shall apply as if that date were the date of the establishment of such union.

(3) If any of the purposes of a trade union is unlawful, such trade union shall not be registered and, if registered, such registration shall be void.

(4) In the event of any contravention of the provisions of this section, every secretary, trustee, member of the committee, or other officer or directing authority of an unregistered trade union is guilty of an offence and is liable on summary conviction to a penalty of $192 for every day during which such trade union remains registered.

Provisions relating to registration

14. With respect to the registration under this Act of a trade union and of the rules thereof, the following provisions shall have effect—

(a) an application to register the trade union and 4 printed copies of the rules, together with a list of the titles and names of the officers, shall be sent to the Registrar;

* Business Companies Act, 2022 (Act 2/2022) *repealed* the Companies Act, R.S.A. c. C65.

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(b) the Registrar, upon being satisfied that the trade union has complied with the regulations respecting registration in force under this Act, shall register such trade union and such documents;

(c) no trade union shall be registered under a name identical with that by which any other existing trade union has been registered, or so nearly resembling such name as to be likely to deceive the members of the public;

(d) the Registrar shall not register any combination as a trade union unless in his opinion, having regard to the constitution of the combination, the principal objects of the combination are statutory objects, and may withdraw or cancel the certificate of registration of any such registered trade union if the constitution of the union has been altered in such manner that, in his opinion, the principal objects of the union are no longer statutory objects, or if in his opinion the principal objects for which the union is actually carried on are not statutory objects;

(e) any person aggrieved by any refusal of the Registrar to register a combination as a trade union, or by the withdrawal or cancellation of a certificate of registration, may appeal to the High Court within the time and in the manner and on the conditions directed by Rules of Court;

(f) the Registrar, upon registering such trade union, shall issue a certificate of registration, which certificate, unless proved to have been withdrawn or cancelled, shall be conclusive evidence that the provisions of this Act or of any regulations made thereunder with respect to registration have been complied with.

Withdrawal or cancellation of certificate of registration

15. (1) No certificate of registration of a trade union shall be withdrawn or cancelled otherwise than by the Registrar, and in the following cases—

(a) at the request of the trade union to be evidenced in the manner from time to time directed by him;

(b) on proof to his satisfaction that a certificate of registration has been obtained by fraud or mistake, or that the registration of the trade union has become void under section 13(3), or that such trade union has wilfully and after notice from the Registrar violated any of the provisions of this Act, or has ceased to exist;

(c) under the provisions of section 14(d).

(2) Not less than 2 months' previous notice in writing specifying briefly the ground of any proposed withdrawal or cancelling of certificate (unless where the same is shown to have become void as aforesaid, in which case it shall be the duty of the Registrar to cancel the same forthwith) shall be given by the Registrar to a trade union before the certificate of registration of the same can be withdrawn or cancelled (except at its request).

(3) A trade union whose certificate of registration has been withdrawn or cancelled shall, from the time of such withdrawal or cancellation, absolutely cease to enjoy as such the privileges of a registered trade union, and shall be dissolved and proceed to wind up its affairs, but without prejudice

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to any liability actually incurred by such trade union, which may be enforced against the same as if such withdrawal or cancellation had not taken place.

(4) If after the withdrawal or cancellation of the certificate a trade union continues in active operation, except for the purpose of winding up its affairs, every secretary, trustee, member of the committee, or other officer of such trade union remaining in office or taking any active part in its operations, is guilty of an offence and is liable on summary conviction to a penalty of $192 for every day during which such trade union continues in active operation.

Land for unions may be purchased or leased

16. Any trade union registered under this Act may purchase or take upon lease, in the name of the trustees for the time being of the union, any land, and may sell, exchange, mortgage or let the land, and no purchaser, assignee, mortgagee or tenant, shall be bound to inquire whether the trustees have authority for any sale, exchange, mortgage, or letting, and the receipt of the trustees shall be a discharge for the money arising therefrom; and for the purposes of this section every branch of a trade union shall be considered a distinct union.

Property of unions vested in trustees

17. (1) All real or personal property whatsoever belonging to any trade union registered under this Act shall be vested in the trustees for the time being of the trade union, appointed as provided by this Act, for the use and benefit of the trade union and the members thereof, and the real or personal property of any branch of a trade union shall be vested in the trustees of that branch, or in the trustees of the trade union if the rules of the trade union so provide, and be under the control of such trustees, their respective executors or administrators, according to their respective claims and interests.

(2) Upon the death or removal of any such trustees, the property shall vest in the succeeding trustees for the same estate and interest as the former trustees had therein, and subject to the same trusts, without any conveyance or assignment whatsoever, except in the case of stocks and securities in the public funds of Anguilla, which shall be transferred into the names of the new trustees.

(3) In all actions, or suits, or indictments or summary proceedings before any court touching or concerning any such property, the same shall be stated to be the property of the persons for the time being holding the office of trustees, in their proper names, as trustees of such trade union, without any further description.

Absence or disability of trustees

18. When any person being or having been a trustee of a trade union registered under this Act, or of any branch of a trade union, and whether appointed before or after the legal establishment thereof, and in whose name any stock belonging to such union or branch transferable at any bank in Anguilla is standing, either jointly with another or others, or solely, is absent from Anguilla or becomes bankrupt, or files any petition or executes any deed for liquidation of his affairs by assignment or arrangement or for composition with his creditors, or becomes a person of unsound mind, or is dead, or has been removed from his office of trustee, or if it is unknown whether such person is living or dead, the Registrar, on application in writing from the secretary and 3 members of the union or branch, and on proof satisfactory to him, may direct the transfer of the stock into the names of any other persons as trustees for the union or branch; and such transfer shall be made by the surviving or continuing trustees, and if there is no such trustee or if such trustees refuse or are unable to make such transfer and the Registrar so directs, then by the manager of the bank; and the bank is hereby

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indemnified for anything done in pursuance of this provision against any claim or demand of any person injuriously affected thereby.

(Act 16/2006, s. 53)

Action by or against trustees

19. The trustees of any trade union registered under this Act, or any other officer of such trade union authorized so to do by the rules thereof, are hereby empowered to bring or defend, or cause to be brought or defended, any action, suit, prosecution or complaint in any court of law or equity, touching or concerning the property, right or claim to property of the trade union; and shall and may, in all cases concerning the real or personal property of such trade union, sue and be sued, plead and be impleaded in any court of law or equity, in their proper names, without other description than the title of their office; and no such action, suit, prosecution or complaint shall be discontinued or shall abate, by the death or removal from office of such persons or any of them, but the same shall and may be proceeded in by their successor or successors as if such death, resignation or removal had not taken place; and such successors shall pay or receive the like costs as if the action, suit, prosecution or complaint had been commenced in their names for the benefit of, or to be reimbursed from, the funds of such trade union, and the summons to be issued to such trustee or other officer may be served by leaving the same at the registered office of the union.

Limitation of responsibility of trustee

20. A trustee of any trade union registered under this Act shall not be liable to make good any deficiency which may arise or happen in the funds of such trade union, but is liable only for the money which shall be actually received by him on account of such trade union.

Officers, accounts and audit

21. (1) Every treasurer or other officer of a trade union registered under this Act, at such times as by the rules of such trade union he should render such account as hereinafter mentioned, or upon being required so to do, and in any event not later than the 15th day of April in each year, shall render to the trustees of the trade union, or to the members thereof, at a meeting of the trade union, a just and true account of all the money received and paid by him since he last rendered the like account, and of the balance then remaining in his hands, and of all bonds and securities of such trade union, which account the trustees shall cause to be audited by a qualified accountant.

(Act 8/2003, s. 75)

(2) The treasurer, if thereunto required, upon the account being audited, shall forthwith hand over to the trustees the balance which on such audit appears to be due from him and shall also, if required, hand over to such trustees all securities and effects, books, papers and property of the trade union in his hands or custody.

(3) If the treasurer fails to do so, the trustees of the trade union may sue him in any competent court for the balance appearing to have been due from him upon the account last rendered by him, and for all the money since received by him on account of the trade union, and for the securities and effects, books, papers and property in his hands or custody, leaving him to set off in such action the sums (if any) which he may have since paid on account of the trade union; and in such action the trustees shall be entitled to recover their full costs of suit, to be taxed as between solicitor and client.

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Withholding or misapplying trade union effects

22. If any officer, member or other person, being or representing himself to be a member of a trade union registered under this Act, or the nominee, executor, administrator or assignee of a member thereof, or any person whatsoever, by false representation or imposition, obtains possession of any money, securities, books, papers or other effects of such trade union, or, having the same in his possession, wilfully withholds or fraudulently misapplies the same, or wilfully applies any part of the same to purposes other than those expressed or directed in the rules of such trade union, or any part thereof, the Magistrate, upon a complaint made by any person on behalf of such trade union or by the Registrar, may by summary order, order such officer, member or other person to deliver up all such money, securities, books, papers or other effects to the trade union or to repay the amount of money applied improperly, and to pay, if such Magistrate thinks fit, a further sum of money not exceeding $3,840 together with costs not exceeding $4.80; and in default of such delivery of effects or repayment of such amount of money or payment of such penalty and costs, the Magistrate may order the person so convicted to be imprisoned, for any time not exceeding 3 months, but—

(a) nothing herein contained shall prevent the trade union from proceeding by indictment against the party aforesaid; and

(b) no person shall be proceeded against by indictment if a conviction shall have been previously obtained for the same offence under the provisions of this Act.

Regulations

23. The Governor, with the advice of the Executive Council, may make regulations respecting the following matters—

(a) the registration of a trade union under this Act;

(b) the forms to be used for such registration and any other forms which may be prescribed under this Act;

(c) the seal (if any) to be used for such registration;

(d) the inspection of documents kept by the Registrar under this Act;

(e) the fees (if any) to be paid on registration, and until such fees are fixed those specified in Schedule 1 shall be charged;

(f) generally, for carrying this Act into effect.

(Act 8/2003, s. 75)

Rules of registered unions

24. With respect to the rules of a trade union registered under this Act, the following provisions shall have effect—

(a) the rules of every such trade union shall contain provisions in respect of the several matters mentioned in Schedule 2;

(b) a copy of the rules shall be delivered by the trade union to every person on demand on payment of a sum not exceeding 24¢;

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(c) every alteration of the rules of a registered trade union shall be registered with the Registrar and shall take effect from the date of registration unless some later date is specified in the rules;

(d) the rules of a registered trade union shall not be altered so that they cease to contain provisions in respect of the several matters in Schedule 2.

Registered office of union

25. (1) Every trade union registered under this Act shall have a registered office to which all communications and notices may be addressed. If any trade union under this Act is in operation for 7 days without having such an office, such trade union and every officer thereof is each liable to incur a penalty of $960 for every day during which it is so in operation.

(2) Notice of the situation of such registered office, and of any change therein, shall be given to the Registrar and be recorded by him, and until that notice is given the trade union shall not be deemed to have complied with the provisions of this Act.

Membership of minors

26. A person under the age of 18 years, but above the age of 16 years, may be a member of a trade union, unless provision is made in the rules thereof to the contrary, and may, subject to those rules, enjoy all the rights of a member except as herein provided, and execute all instruments and give all acquittances necessary to be executed or given under the rules, but shall not be a member of the committee of management, trustee or treasurer of the trade union.

Nomination by member

27. A member of a trade union, not being under the age of 16 years may, by writing under his hand, delivered at or sent to the registered office of the trade union, nominate any person, not being an officer or servant of the trade union (unless such officer or servant is the husband, wife, father, mother, child, brother, sister, nephew or niece of the nominator) to whom any money payable on the death of such member, not exceeding $240, shall be paid at his decease, and may from time to time revoke or vary such nomination by writing under his hand similarly delivered or sent; and on receiving satisfactory proof of the death of a nominator, the trade union shall pay to the nominee the amount due to the deceased member not exceeding the sum aforesaid.

Change of name

28. (1) A trade union may, with the approval in writing of the Registrar, change its name by the consent of not less than two-thirds of the total number of members.

(2) No change of name shall affect any right or obligation of the trade union or of any members thereof, and any pending legal proceedings may be continued by or against the trustees of the trade union or any other officer, who may sue or be sued on behalf of such trade union notwithstanding its new name.

Amalgamation of unions

29. Any 2 or more trade unions may, by the consent of not less than two-thirds of the members of each of those trade unions, become amalgamated together as 1 trade union, with or without any dissolution or division of the funds of such trade unions or either or any of them; but no amalgamation shall prejudice the right of a creditor of either or any union party thereto.

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Registration of change of name and amalgamation

30. Notice in writing of every change of name or amalgamation, signed, in the case of a change of name, by 7 members and countersigned by the secretary of the trade union changing its name, and accompanied by a solemn declaration by such secretary that the provisions of this Act in respect of changes of name have been complied with, and in the case of an amalgamation signed by 7 members and countersigned by the secretary of each or every union party thereto, and accompanied by a solemn declaration by each or every such secretary that the provisions of this Act in respect of amalgamation have been complied with, shall be sent to the Registrar to be registered, and until such change of name or amalgamation is so registered the same shall not take effect.

Dissolution

31. Notice of dissolution of a trade union under the hand of the secretary and 7 members of the union shall be sent within 14 days thereafter to the Registrar and shall be registered by him.

Failure to give notice or send document

32. A trade union which fails to give any notice, or send any document which by this Act it is required to give or send, and every officer or other person bound by the rules thereof to give or send the same, or if there is no such officer, then every member of the committee of management of the union, unless proved to have been ignorant of, or to have attempted to prevent, the omission to give or send the same, is liable on summary conviction to a penalty of not less than $192 and not more than $960 recoverable at the suit of the Registrar or of any person aggrieved, and to the additional penalty of the like amount for each week during which the omission continues.

Statement of accounts and audit certificate, etc., to be transmitted to Registrar

33. (1) The treasurer of every trade union (or such other officer as is designated in that behalf by the rules of the trade union) shall, on or before the first day of June in every year, cause to be received by the Registrar—

(a) an audited statement in the form prescribed by the Registrar of the receipts and payments of the trade union during the year preceding the date to which such statement is made out, and such statement shall show separately the expenditure in respect of the several objects of the union;

(b) an audited statement in the form prescribed by the Registrar of the assets and liabilities of the trade union at the date to which the statement required by paragraph (a) is made out;

(c) a return in the prescribed form, showing the number of members of the trade union at the date to which the statement required by paragraphs (a) and (b) is made out; and

(d) a return relating to the year immediately preceding the date to which such statement required by paragraphs (a) and (b) is made out showing—

(i) all new rules of the trade union, and all alterations to existing rules, made during the period, and

(ii) all changes of officers of the trade union during the period.

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(2) In addition to the statements, certificates and returns required by the provisions of subsection (1), the Registrar may at any time by order in writing require the treasurer or any other officer of a trade union to deliver to him, by a date, to be specified in such order, detailed accounts of the revenue, expenditure, assets, liabilities and funds of the trade union in respect of any period specified in such order, and any accounts so rendered shall include such details and information, and be supported by such documents, as the Registrar in any case may require.

(3) Every member of a trade union shall be entitled to receive, on application to the treasurer or secretary of the trade union, a copy of all or any of the statements and accounts, and of the audit certificate, and returns provided for by this section, without making any payment therefor.

(4) Every trade union which, and every officer of a trade union who, contravenes or fails to comply with any of the provisions or requirements of subsection (1), or of an order of the Registrar under subsection (2), and every treasurer and secretary of a trade union who fails to comply with an application made under subsection (3), is liable on summary conviction to a penalty of $960.

(5) Upon a conviction for any offence under the provisions of subsection (4), the Magistrate may order the offending trade union or any specified officer thereof (whether or not such officer has been convicted) to deliver to the Registrar by a specified date (which shall not be earlier than 14 days from the date of the order)—

(a) all or any of the statements, certificates, and returns referred to in subsection (1), in cases where the conviction relates to an offence in respect of the provisions of such subsection; and

(b) all or any of the accounts, including such details, information and documents referred to in any order made by the Registrar under subsection (2), in cases where the conviction relates to any offence in respect of a failure to comply with any such order, and any trade union which, and any officer of a trade union who, fails to comply with such order, is in respect of such failure liable on summary conviction to a penalty of $384 in respect of each day or part of a day during which such failure shall have continued.

(6) Any person who wilfully makes or causes to be made any false entry in, or any omission from, any of the statements, accounts, certificates or returns required by this section is liable on summary conviction to a penalty of $9,600.

Registrar's reports

34. The annual reports with respect to the matters transacted by the Registrar in pursuance of this Act shall be laid before the House of Assembly.

Circulating false copies of rules

35. If any person, with intent to mislead or defraud, gives to any member of a trade union registered under this Act, or to any person intending or applying to become a member of such trade union, a copy of any rules, or of any alteration or amendment thereof, other than those respectively which exist for the time being, on the pretence that the same are the existing rules of such trade union, or that there are no other rules of such trade union, or if any person with the intent aforesaid, gives a copy of any rules to any person on the pretence that such rules are the rules of a trade union registered under this Act which is not so registered, every person so offending is liable on summary conviction to a penalty of $1,920.

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Restrictions on application of funds for certain political purposes

36. (1) The funds of a trade union shall not be applied either directly or in conjunction with any other trade union, association or body, or otherwise indirectly in the furtherance of the political objects to which this section applies (without prejudice to the furtherance of any other political objects), unless the furtherance of those objects has been approved as an object of the union by a resolution for the time being in force passed on a ballot of the members of the union taken in accordance with the provisions of this section for the purpose by a majority of the members voting; and where such a resolution is in force, unless rules to be approved by the Registrar are in force providing—

(a) that any payments in the furtherance of those objects are to be made out of a separate fund (in this Act referred to as a "political fund of the union"), and for the exemption in accordance with this Act of any member of the union from any obligation to contribute to such a fund if he gives notice in accordance with this Act that he objects to contribute; and

(b) that a member who is exempt (in the manner hereinafter specified) from the obligation to contribute to the political fund of the union shall not be excluded from the benefits of the union, or placed in any respect either directly or indirectly under any disability or at any disadvantage as compared with other members of the union (except in relation to the control or management of the political fund) by reason of his being so exempt, and that contribution to the political fund of the union shall not be made a condition for admission to the union.

(2) If any member of a trade union alleges that he is aggrieved by a breach of any rule made in pursuance of this section, he may complain to the Registrar, and the Registrar after giving the complainant and any representative of 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 under the circumstances; and any such order of the Registrar shall be binding and conclusive on all parties without appeal and shall not be removable into any court of law, or restrainable by injunction and on being recorded in the High Court Registry may be enforced as if it had been an order of the High Court.

(3) The political objects to which this section applies are the expenditure of money—

(a) on the payment of any expenses incurred either directly or indirectly by a candidate or prospective candidate for election to the House of Assembly or to any public office, before, during or after the election in connection with his candidature or election;

(b) on the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate;

(c) in connection with the registration of electors or the selection of a candidate for the House of Assembly or any public office;

(d) on the holding of political meetings of any kind, or on the distribution of political literature or political documents of any kind unless the main purpose of the meetings or of the distribution of the literature or documents is the furtherance of statutory objects within the meaning of this Act; or

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(e) on the maintenance of any person who is a member of the House of Assembly in Anguilla or who holds a public office.

The expression "public office" in this section means the office of member of any public body that has power to raise money, either directly or indirectly, by means of a rate.

(4) A resolution under this section approving political objects as an object of the union shall take effect as if it were a rule of the union and may be rescinded in the same manner and subject to the same provisions as such rule.

(5) The provisions of this section as to the application of the funds of a union for political purposes shall apply to a union which is in whole or in part an association or combination of other unions as if the individual members of the component unions were members of that union and not the unions; but nothing in this section shall prevent any such component union from collecting from any of their members who are not exempt on behalf of the association or combination any contributions to the political fund of the association or combination.

(6) A ballot for the purposes of this section shall be taken in accordance with rules of the union to be approved for the purpose by the Registrar, but the Registrar shall not approve any such rules unless he is satisfied that every member has an equal right, and, if reasonably possible, a fair opportunity of voting, and that the secrecy of the ballot is properly secured.

Notice of objection to contribution towards political objects

37. (1) A member of a trade union may at any time give notice, in the form set out in Schedule 3 or in a form to the like effect, that he objects to contribute to the political fund of the union, and, on the adoption of a resolution of the union approving the furtherance of political objects as an object of the union, notice shall be given to the members of the union acquainting them that each member has a right to be exempt from contributing to the political fund of the union, and that a form of exemption notice can be obtained by or on behalf of a member either by application at or by post from the head office or any branch office of the union or the office of the Registrar. Any such notice to members of the union shall be given in accordance with rules of the union approved for the purpose by the Registrar, having regard in each case to the existing practice and to the character of the union.

(2) On giving notice in accordance with this Act of his objection to contribute, a member of the union shall be exempt, so long as his notice is not withdrawn, from contributing to the political fund of the union as from the first day of January next after the notice is given, or, in the case of a notice given within 1 month after the notice given to members under this section on the adoption of a resolution approving the furtherance of political objects, as from the date on which the member's notice is given.

Mode of giving effect to exemption from contributions to political fund

38. Effect may be given to the exemption of members to contribute to the political fund of a union either by separate levy of contributions to that fund from the members of the union who are not exempt, and in that case the rules shall provide that no money of the union other than the amount raised by such separate levy shall be carried to that fund, or by relieving any members who are exempt from the payment of the whole or any part of any periodical contributions required from the members of the union towards the expenses of the union, and in that case the rules shall provide that the relief shall be given as far as possible to all members who are exempt on the occasion of the same periodical payment and for enabling each member of the union to know as respects any such

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periodical contribution, what portion, if any, of the sum payable by him is a contribution to the political fund of the union.

Summary procedure

39. All summary offences and penalties under this Act may be prosecuted and recovered before the Magistrate in the manner provided by the Magistrate's Code of Procedure Act.

Application of fees

40. All fees relating to a trade union received by the Registrar under this Act or under any regulations made thereunder shall be paid into the Consolidated Fund.

(Act 8/2003, s. 75 and Act 7/2010, s. 26)

Citation

41. This Act may be cited as the Trade Unions Act, Revised Statutes of Anguilla, Chapter T35.

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SCHEDULE 1

(Section 23(e))

FEES

	$
For registering trade union	4.80
For registering alterations in rules	2.40
For inspection of documents	0.60

SCHEDULE 2

(Section 24)

MATTERS TO BE PROVIDED FOR BY RULES OF TRADE UNIONS REGISTERED UNDER THIS ACT

1. The name of the Trade Union and place of meeting for its business.

2. The whole of the objects for which the trade union is to be established, the purposes for which its funds shall be applicable, and the conditions under which any member may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member of the trade union.

3. The manner of making, altering, amending and rescinding rules.

4. Provisions for the appointment and removal of a general committee of management, of a trustee, treasurer and other officers.

5. Provision for the keeping of full and accurate accounts by the treasurer.

6. Provision for the investment of the funds, and for an annual or periodical audit of accounts.

7. The inspection of the books and names of members of the trade union by every person having an interest in its funds.

8. The manner of dissolution.

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SCHEDULE 3

(Section 36)

FORM OF EXEMPTION NOTICE

Name of trade union ……..

Political fund (exemption notice).

I hereby give notice that I object to contribute to the political fund of the …….. Union, and am in consequence exempt in manner provided by the Trade Unions Act from contributing to that fund.

Signature ……..……..……

Address ……...……..……

The …….. day of ……, 20…….. .

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SCHEDULE 4

Repealed

(Act 8/2003 s.75)

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