



# Trade Union and Labour Relations (Consolidation) Act 1992

## CHAPTER 52

### TRADE UNION AND LABOUR RELATIONS (CONSOLIDATION) ACT 1992

#### PART I

#### TRADE UNIONS

#### CHAPTER I

#### INTRODUCTORY

##### *Meaning of “trade union”*

- 1 Meaning of “trade union”

##### *The list of trade unions*

- 2 The list of trade unions
- 3 Application to have name entered in the list
- 4 Removal of name from the list

##### *Certification as independent trade union*

- 5 Meaning of “independent trade union”
- 6 Application for certificate of independence
- 7 Withdrawal or cancellation of certificate
- 8 Conclusive effect of Certification Officer’s decision

*Supplementary*

- 9 Appeal against decision of Certification Officer

**CHAPTER II**

## STATUS AND PROPERTY OF TRADE UNIONS

*General*

- 10 Quasi-corporate status of trade unions  
11 Exclusion of common law rules as to restraint of trade

*Property of trade union*

- 12 Property to be vested in trustees  
13 Vesting of property in new trustees  
14 Transfer of securities held in trust for trade union  
15 Prohibition on use of funds to indemnify unlawful conduct  
16 Remedy against trustees for unlawful use of union property  
17 Nominations by members of trade unions  
18 Payments out of union funds on death of member  
19 Application of certain provisions relating to industrial assurance or friendly societies

*Liability of trade unions in proceedings in tort*

- 20 Liability of trade union in certain proceedings in tort  
21 Repudiation by union of certain acts  
22 Limit on damages awarded against trade unions in actions in tort

*Restriction on enforcement against certain property*

- 23 Restriction on enforcement of awards against certain property

**CHAPTER III**

## TRADE UNION ADMINISTRATION

*Register of members' names and addresses*

- 24 Duty to maintain register of members' names and addresses  
25 Remedy for failure: application to Certification Officer  
26 Remedy for failure: application to court

*Duty to supply copy of rules*

- 27 Duty to supply copy of rules

*Accounting records*

- 28 Duty to keep accounting records  
29 Duty to keep records available for inspection  
30 Right of access to accounting records  
31 Remedy for failure to comply with request for access

*Annual return, accounts and audit*

- 32 Annual return
- 33 Duty to appoint auditors
- 34 Eligibility for appointment as auditor
- 35 Appointment and removal of auditors
- 36 Auditors' report
- 37 Rights of auditors

*Members' superannuation schemes*

- 38 Members' superannuation schemes: separate fund to be maintained
- 39 Examination of proposals for new scheme
- 40 Periodical re-examination of existing schemes
- 41 Powers of the Certification Officer
- 42 Meaning of “appropriately qualified actuary”

*Supplementary*

- 43 Newly-formed trade unions
- 44 Discharge of duties in case of union having branches or sections
- 45 Offences

**CHAPTER IV**

**ELECTIONS FOR CERTAIN POSITIONS**

*Duty to hold elections*

- 46 Duty to hold elections for certain positions

*Requirements to be satisfied with respect to elections*

- 47 Candidates
- 48 Election addresses
- 49 Appointment of independent scrutineer
- 50 Entitlement to vote
- 51 Voting
- 52 Scrutineer's report
- 53 Uncontested elections

*Remedy for failure to comply with requirements*

- 54 Remedy for failure to comply with requirements: general
- 55 Application to Certification Officer
- 56 Application to court

*Supplementary*

- 57 Exemption of newly-formed trade unions, &c
- 58 Exemption of certain persons nearing retirement
- 59 Period for giving effect to election
- 60 Overseas members
- 61 Other supplementary provisions

## CHAPTER V

### RIGHTS OF TRADE UNION MEMBERS

#### *Right to a ballot before industrial action*

- 62 Right to a ballot before industrial action

#### *Right not to be denied access to the courts*

- 63 Right not to be denied access to the courts

#### *Right not to be unjustifiably disciplined*

- 64 Right not to be unjustifiably disciplined  
65 Meaning of “unjustifiably disciplined”  
66 Complaint of infringement of right  
67 Further remedies for infringement of right

#### *Right to require employer to stop deduction of union dues*

- 68 Right to require employer to stop deductions of union dues

#### *Right to terminate membership of union*

- 69 Right to terminate membership of union

#### *Supplementary*

- 70 Membership of constituent or affiliated organisation

## CHAPTER VI

### APPLICATION OF FUNDS FOR POLITICAL OBJECTS

#### *Restriction on use of funds for certain political objects*

- 71 Restriction on use of funds for political objects  
72 Political objects to which restriction applies

#### *Political resolution*

- 73 Passing and effect of political resolution  
74 Approval of political ballot rules  
75 Appointment of independent scrutineer  
76 Entitlement to vote  
77 Voting  
78 Scrutineer’s report  
79 Remedy for failure to comply with ballot rules: general  
80 Application to Certification Officer  
81 Application to court

#### *The political fund*

- 82 Rules as to political fund  
83 Assets and liabilities of political fund  
84 Notice of objection to contributing to political fund

85 Manner of giving effect to exemptions

*Duties of employer who deducts union contributions*

86 Certificate of exemption or objection to contributing to political fund

87 Application to court in respect of employer's failure

88 Application of provisions of Wages Act 1986

*Position where political resolution ceases to have effect*

89 Administration of political fund where no resolution in force

90 Discontinuance of contributions to political fund

91 Rules to cease to have effect

*Supplementary*

92 Manner of making union rules

93 Effect of amalgamation

94 Overseas members of trade union

95 Appeals from Certification Officer

96 Meaning of "date of the ballot"

**CHAPTER VII**

AMALGAMATIONS AND SIMILAR MATTERS

*Amalgamation or transfer of engagements*

97 Amalgamation or transfer of engagements

98 Approval of instrument of amalgamation or transfer

99 Notice to be given to members

100 Resolution approving instrument of amalgamation or transfer

101 Registration of instrument of amalgamation or transfer

102 Power to alter rules of transferee union for purposes of transfer

103 Complaints as regards passing of resolution

104 Appeal from decision of Certification Officer

105 Transfer of property on amalgamation or transfer

106 Amalgamation or transfer involving Northern Ireland union

*Change of name*

107 Change of name of trade union

*Supplementary*

108 General power to make regulations

**CHAPTER VIII**

ASSISTANCE FOR CERTAIN LEGAL PROCEEDINGS

109 Proceedings in relation to which assistance may be provided

110 Application for assistance: its consideration

111 Provision of assistance

112 Title of proceedings where assistance provided

113 Recovery of sums paid in case of fraud

- 114 Supplementary provisions

## CHAPTER IX

### MISCELLANEOUS AND GENERAL PROVISIONS

#### *Further provisions with respect to ballots*

- 115 Payments towards expenditure in connection with secret ballots  
116 Use of employer's premises for secret ballot

#### *Exceptions and adaptations for certain bodies*

- 117 Special register bodies  
118 Federated trade unions

#### *Interpretation*

- 119 Expressions relating to trade unions  
120 Northern Ireland unions  
121 Meaning of "the court"

## PART II

### EMPLOYERS' ASSOCIATIONS

#### *Introductory*

- 122 Meaning of "employers' association"

#### *The list of employers' associations*

- 123 The list of employers' associations  
124 Application to have name entered in the list  
125 Removal of name from the list  
126 Appeal against decision of Certification Officer

#### *Status and property of employers' associations*

- 127 Corporate or quasi-corporate status of employers' associations  
128 Exclusion of common law rules as to restraint of trade  
129 Property of unincorporated employers' associations, &c  
130 Restriction on enforcement of awards against certain property

#### *Administration of employers' associations*

- 131 Administrative provisions applying to employers' associations

#### *Application of funds for political objects*

- 132 Application of funds for political objects

#### *Amalgamations and similar matters*

- 133 Amalgamations and transfers of engagements  
134 Change of name of employers' association

*General*

- 135 Federated employers' associations
- 136 Meaning of “officer” of employers' association

**PART III**

RIGHTS IN RELATION TO UNION MEMBERSHIP AND ACTIVITIES

*Access to employment*

- 137 Refusal of employment on grounds related to union membership
- 138 Refusal of service of employment agency on grounds related to union membership
- 139 Time limit for proceedings
- 140 Remedies
- 141 Complaint against employer and employment agency
- 142 Awards against third parties
- 143 Interpretation and other supplementary provisions

*Contracts for supply of goods or services*

- 144 Union membership requirement in contract for goods or services void
- 145 Refusal to deal on union membership grounds prohibited

*Action short of dismissal*

- 146 Action short of dismissal on grounds related to union membership or activities
- 147 Time limit for proceedings
- 148 Consideration of complaint
- 149 Remedies
- 150 Awards against third parties
- 151 Interpretation and other supplementary provisions

*Dismissal*

- 152 Dismissal on grounds related to union membership or activities
- 153 Selection for redundancy on grounds related to union membership or activities
- 154 Exclusion of requirement as to qualifying period, &c
- 155 Matters to be disregarded in assessing contributory fault
- 156 Minimum basic award
- 157 Special award of compensation
- 158 Amount of special award
- 159 Power to increase sums by order
- 160 Awards against third parties
- 161 Application for interim relief
- 162 Application to be promptly determined
- 163 Procedure on hearing of application and making of order
- 164 Order for continuation of contract of employment
- 165 Application for variation or revocation of order
- 166 Consequences of failure to comply with order
- 167 Interpretation and other supplementary provisions

*Time off for trade union duties and activities*

- 168 Time off for carrying out trade union duties
- 169 Payment for time off under section 168
- 170 Time off for trade union activities
- 171 Time limit for proceedings
- 172 Remedies
- 173 Interpretation and other supplementary provisions

*Exclusion or expulsion from trade union where employment subject to union membership agreement*

- 174 Right not to be unreasonably excluded or expelled from union
- 175 Time limit for proceedings
- 176 Remedies
- 177 Interpretation and other supplementary provisions

**PART IV**

## INDUSTRIAL RELATIONS

**CHAPTER I**

## COLLECTIVE BARGAINING

*Introductory*

- 178 Collective agreements and collective bargaining

*Enforceability of collective agreements*

- 179 Whether agreement intended to be a legally enforceable contract
- 180 Effect of provisions restricting right to take industrial action

*Disclosure of information for purposes of collective bargaining*

- 181 General duty of employers to disclose information
- 182 Restrictions on general duty
- 183 Complaint of failure to disclose information
- 184 Further complaint of failure to comply with declaration
- 185 Determination of claim and award

*Prohibition of union recognition requirements*

- 186 Recognition requirement in contract for goods or services void
- 187 Refusal to deal on grounds of union exclusion prohibited

**CHAPTER II**

## PROCEDURE FOR HANDLING REDUNDANCIES

*Duty of employer to consult trade union representatives*

- 188 Duty of employer to consult trade union representatives
- 189 Complaint by trade union and protective award
- 190 Entitlement under protective award
- 191 Termination of employment during protected period



192 Complaint by employee to industrial tribunal

*Duty of employer to notify Secretary of State*

193 Duty of employer to notify Secretary of State of certain redundancies

194 Offence of failure to notify

*Supplementary provisions*

195 Meaning of “redundancy”

196 Meaning of “trade union representative”

197 Power to vary provisions

198 Power to adapt provisions in case of collective agreement

**CHAPTER III**

CODES OF PRACTICE

*Codes of Practice issued by ACAS*

199 Issue of Codes of Practice by ACAS

200 Procedure for issue of Code by ACAS

201 Consequential revision of Code issued by ACAS

202 Revocation of Code issued by ACAS

*Codes of Practice issued by the Secretary of State*

203 Issue of Codes of Practice by the Secretary of State

204 Procedure for issue of Code by Secretary of State

205 Consequential revision of Code issued by Secretary of State

206 Revocation of Code issued by Secretary of State

*Supplementary provisions*

207 Effect of failure to comply with Code

208 Provisions of earlier Code superseded by later

**CHAPTER IV**

GENERAL

*Functions of ACAS*

209 General duty to promote improvement of industrial relations

210 Conciliation

211 Conciliation officers

212 Arbitration

213 Advice

214 Inquiry

*Courts of inquiry*

215 Inquiry and report by court of inquiry

216 Constitution and proceedings of court of inquiry

*Supplementary provisions*

- 217 Exclusion of power of arbiter to state case to Court of Session  
218 Meaning of “trade dispute” in Part IV

**PART V**

## INDUSTRIAL ACTION

*Protection of acts in contemplation or furtherance of trade dispute*

- 219 Protection from certain tort liabilities  
220 Peaceful picketing  
221 Restrictions on grant of injunctions and interdicts

*Action excluded from protection*

- 222 Action to enforce trade union membership  
223 Action taken because of dismissal for taking unofficial action  
224 Secondary action  
225 Pressure to impose union recognition requirement

*Requirement of ballot before action by trade union*

- 226 Requirement of ballot before action by trade union  
227 Entitlement to vote in ballot  
228 Separate workplace ballots  
229 Voting paper  
230 Conduct of ballot  
231 Information as to result of ballot  
232 Balloting of overseas members  
233 Calling of industrial action with support of ballot  
234 Period after which ballot ceases to be effective  
235 Construction of references to contract of employment

*No compulsion to work*

- 236 No compulsion to work

*Loss of unfair dismissal protection*

- 237 Dismissal of those taking part in unofficial industrial action  
238 Dismissals in connection with other industrial action  
239 Supplementary provisions relating to unfair dismissal

*Criminal offences*

- 240 Breach of contract involving injury to persons or property  
241 Intimidation or annoyance by violence or otherwise  
242 Restriction of offence of conspiracy: England and Wales  
243 Restriction of offence of conspiracy: Scotland

*Supplementary*

- 244 Meaning of “trade dispute” in Part V  
245 Crown employees and contracts  
246 Minor definitions

## PART VI

### ADMINISTRATIVE PROVISIONS

#### *ACAS*

- 247 ACAS
- 248 The Council of ACAS
- 249 Terms of appointment of members of Council
- 250 Remuneration, &c. of members of Council
- 251 Secretary, officers and staff of ACAS
- 252 General financial provisions
- 253 Annual report and accounts

#### *The Certification Officer*

- 254 The Certification Officer
- 255 Remuneration, &c. of Certification Officer and assistants
- 256 Procedure before the Certification Officer
- 257 Custody of documents submitted under earlier legislation
- 258 Annual report and accounts

#### *Central Arbitration Committee*

- 259 The Central Arbitration Committee
- 260 The members of the Committee
- 261 Terms of appointment of members of Committee
- 262 Remuneration, &c. of members of Committee
- 263 Proceedings of the Committee
- 264 Awards of the Committee
- 265 Annual report and accounts

#### *The Commissioner for the Rights of Trade Union Members*

- 266 The Commissioner
- 267 Terms of appointment of Commissioner
- 268 Remuneration, pension, &c
- 269 Staff of the Commissioner
- 270 Financial provisions
- 271 Annual report and accounts

#### *Supplementary*

- 272 Meaning of “financial year”

## PART VII

### MISCELLANEOUS AND GENERAL

#### *Crown employment, etc.*

- 273 Crown employment
- 274 Armed forces
- 275 Exemption on grounds of national security
- 276 Further provision as to Crown application

*House of Lords and House of Commons staff*

- 277 House of Lords staff
- 278 House of Commons staff

*Health service practitioners*

- 279 Health service practitioners

*Police service*

- 280 Police service

*Excluded classes of employment*

- 281 Part-time employment
- 282 Short-term employment
- 283 Mariners
- 284 Share fishermen
- 285 Employment outside Great Britain
- 286 Power to make further provision as to excluded classes of employment

*Offshore employment*

- 287 Offshore employment

*Contracting out, &c.*

- 288 Restriction on contracting out
- 289 Employment governed by foreign law

*Industrial tribunal proceedings*

- 290 General provisions as to conciliation
- 291 Right of appeal from industrial tribunal

*Other supplementary provisions*

- 292 Death of employee or employer
- 293 Regulations
- 294 Reciprocal arrangements with Northern Ireland

*Interpretation*

- 295 Meaning of “employee” and related expressions
- 296 Meaning of “worker” and related expressions
- 297 Associated employers
- 298 Minor definitions: general
- 299 Index of defined expressions

*Final provisions*

- 300 Repeals, consequential amendments, transitional provisions and savings
- 301 Extent
- 302 Commencement
- 303 Short title

## SCHEDULES

### SCHEDULE 1 — Repeals

### SCHEDULE 2 — Consequential amendments

#### *Parliamentary Commissioner Act 1967 (c. 13)*

- 1 Schedule 2 to the Parliamentary Commissioner Act 1967 (departments and...

#### *Transport Act 1968 (c. 73)*

- 2 In section 63(6) of the Transport Act 1968 (objections to...

#### *Equal Pay Act 1970 (c. 41)*

- 3 (1) The Equal Pay Act 1970 is amended as follows....

#### *House of Commons Disqualification Act 1975 (c. 24)*

- 4 (1) The House of Commons Disqualification Act 1975 is amended...

#### *Social Security Pensions Act 1975 (c. 60)*

- 5 In section 31 of the Social Security Pensions Act 1975...

#### *Sex Discrimination Act 1975 (c. 65)*

- 6 In Part VIII of the Sex Discrimination Act 1975 (supplementary...

#### *Race Relations Discrimination Act 1976 (c. 74)*

- 7 In Part X of the Race Relations Act 1976 (supplementary...

#### *Aircraft and Shipbuilding Industries Act 1977 (c. 3)*

- 8 (1) The Aircraft and Shipbuilding Industries Act 1977 is amended...

#### *Patents Act 1977 (c. 37)*

- 9 In section 40 of the Patents Act 1977 (compensation for...

#### *House of Commons (Administration) Act 1978 (c. 36)*

- 10 In Schedule 1 to the House of Commons (Administration) Act...

#### *Employment Protection (Consolidation) Act 1978 (c. 44)*

- 11 In section 29 of the Employment Protection (Consolidation) Act 1978...
- 12 In section 30 of the Employment Protection (Consolidation) Act 1978...
- 13 For section 32 of the Employment Protection (Consolidation) Act 1978...
- 14 In section 57 of the Employment Protection (Consolidation) Act 1978...
- 15 In section 71(2) of the Employment Protection (Consolidation) Act 1978...

- 16 For section 72 of the Employment Protection (Consolidation) Act 1978...
- 17 In section 73 of the Employment Protection (Consolidation) Act 1978...
- 18 (1) Section 122 of the Employment Protection (Consolidation) Act 1978...
- 19 In section 132(1) of the Employment Protection (Consolidation) Act 1978...
- 20 In section 135 of the Employment Protection (Consolidation) Act 1978...
- 21 (1) Section 153 of the Employment Protection (Consolidation) Act 1978...
- 22 In Part I of Schedule 2 to the Employment Protection...
- 23 In Schedule 3 to the Employment Protection (Consolidation) Act 1978...
- 24 (1) Schedule 9 to the Employment Protection (Consolidation) Act 1978...
- 25 In Schedule 11 to the Employment Protection (Consolidation) Act 1978...

*Crown Agents Act 1979 (c. 43)*

- 26 In Schedule 1 to the Crown Agents Act 1979 (supplementary...

*Agricultural Training Board Act 1982 (c. 9)*

- 27 In section 12 of the Agricultural Training Board Act 1982...

*Industrial Training Act 1982 (c. 10)*

- 28 In section 21 of the Industrial Training Act 1982 (short...

*Oil and Gas (Enterprise) Act 1982 (c. 23)*

- 29 (1) Schedule 3 to the Oil and Gas (Enterprise) Act...

*Employment Act 1982 (c. 46)*

- 30 In section 21 of the Employment Act 1982 (interpretation, &c.),...

*Insurance Companies Act 1982 (c. 50)*

- 31 In section 2(2) of the Insurance Companies Act 1982 (exceptions...

*Value Added Tax Act 1983 (c. 55)*

- 32 In Schedule 6 to the Value Added Tax Act 1983...

*Insolvency Act 1986 (c. 45)*

- 33 In Schedule 6 to the Insolvency Act 1986 (preferential debts),...

*Wages Act 1986 (c. 48)*

- 34 (1) The Wages Act 1986 is amended as follows.

*Building Societies Act 1986 (c. 53)*

- 35 In section 7(4)(c)(iii) of the Building Societies Act 1986 (shares...

*Sex Discrimination Act 1986 (c. 59)*

36 In section 6 of the Sex Discrimination Act 1986 (application...

*Income and Corporation Taxes Act 1988 (c. 1)*

37 In section 467 of the Income and Corporation Taxes Act...

*Local Government Act 1988 (c. 9)*

38 In section 17 of the Local Government Act 1988 (local...

*Local Government and Housing Act 1989 (c. 42)*

39 (1) In section 12 of the Local Government and Housing...

*Industrial Relations (Northern Ireland) Order 1992 (S.I. 1992 No. 807 (N.I. 5))*

40 (1) The Industrial Relations (Northern Ireland) Order 1992 is amended...

SCHEDULE 3 — Transitional provisions and savings

*Continuity of the law*

1 (1) The repeal and re-enactment of provisions in this Act...

*General saving for old transitional provisions and savings*

2 (1) The repeal by this Act of a transitional provision...

*Effect of repeal of 1946 Act*

3 The repeal by this Act of the Trade Disputes and...

*Pre-1974 references to registered trade unions or employers' associations*

4 (1) Any reference in an enactment passed, or instrument made...

*Enforceability of collective agreements*

5 Section 179 of this Act (enforceability of collective agreements) does...

*Trade unions and employers' associations ceasing to be incorporated by virtue of 1974 Act*

6 (1) The repeal by this Act of section 19 of...

*References to former Industrial Arbitration Board*

7 Any reference to the former Industrial Arbitration Board in relation...

*Effect of political resolution passed before 1984 amendments*

8 A resolution under section 3 of the Trade Union Act...

*Persons elected to trade union office before 1988 amendments*

9 (1) In relation to a person who was, within the...

10 In relation to a person who was elected to a...

*Qualification to act as auditor of trade union or employers' association*

- 11 (1) Nothing in section 34 (eligibility for appointment as auditor)...

*Industrial Relations (Northern Ireland) Order 1992 (S.I. 1992/807 (N.I. 5))*

- 12 (1) The following provisions have effect only if, or to...

*Use of existing forms, &c.*

- 13 Any document made, served or issued on or after the...

*Saving for power to vary or revoke*

- 14 The power of the Secretary of State by further order...