

## SCHEDULES

### SCHEDULE 16

#### MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART IV

##### MISCELLANEOUS AMENDMENTS

###### *House of Commons Offices Act 1846 (c. 77)*

- 1 In section 5 of the House of Commons Offices Act 1846, after the words " the said first-recited Act" insert the words " , the Employment Protection Act 1975, ".

###### *Trade Union Act 1913 (2 & 3 Geo. 5 c. 30)*

- 2 (1) The Trade Union Act 1913 shall be amended in accordance with the following provisions of this paragraph.
- (2) In sections 3 to 5 for the words " Registrar of Friendly Societies" and " Registrar" wherever they occur substitute the words " Certification Officer ".
- (3) After section 5 insert the following section—

###### **“5A Appeals.**

An appeal shall lie, in accordance with section 88(2) of the Employment Protection Act 1975, to the Employment Appeal Tribunal on any question of law arising in any proceedings before or arising from any decision of the Certification Officer under section 3, 4 or 5 of this Act.”.

- (4) For section 7 substitute—

###### **“7 Definition of Certification Officer.**

In this Act references to the " Certification Officer " are references to the officer appointed under section 7 of the Employment Protection Act 1975.”.

###### *Industrial Courts Act 1919 (c. 69)*

- 3 (1) The Industrial Courts Act 1919 shall be amended in accordance with the following provisions of this paragraph.
- (2) The following provisions and passages are hereby repealed:—  
Sections 1, 2 and 3.  
In section 4(1), the words " whether or not the dispute is reported to him under Part I of this Act ".

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In section 7, the words " of the Industrial Arbitration Board and ".

In section 9, the words " before the Industrial Arbitration Board, before an arbitrator or ".

Sections 11 and 12.

(3) For section 8 substitute—

**“8 Interpretation.**

In this Act the expressions " trade dispute" and " worker " have the same meaning as in the Trade Union and Labour Relations Act 1974.”.

(4) For section 10 substitute—

**“10 Employment under the Crown.**

(1) Subject to the following provisions of this section, the provisions of this Act shall have effect in relation to Crown employment and to workers who are Crown employees as they have effect in relation to other employment and to other workers.

(2) In this section " Crown employment" means, subject to subsection (3) of this section, employment under or for the purposes of a government department or any officer or body exercising on behalf of the Crown functions conferred by any enactment.

(3) This section does not apply to service as a member of the naval, military or air forces of the Crown or of any women's service administered by the Defence Council, but does apply to employment by any association established for the purposes of the Auxiliary Forces Act 1953.

(4) A Minister of the Crown may exempt from the provisions of this section employment of a specified description or the employment of a particular person by certificate stating that such exemption is required for the purpose of safeguarding national security; and any document purporting to be such a certificate shall, unless the contrary is proved, be deemed to be such a certificate.”.

*Road Haulage Wages Act 1938 (c. 44)*

4 (1) The Road Haulage Wages Act 1938 shall be amended in accordance with the following provisions of this paragraph.

(2) In sections 4 and 5 for the word "Minister" substitute the word " Service " and in section 15(1) after the definition of " Road haulage work " and " Road haulage worker " insert—

“ Service ' means the Advisory, Conciliation and Arbitration Service.”.

(3) In sections 4, 5 and 8 for the words " Industrial Court " and "Court" wherever they occur substitute respectively the words " Central Arbitration Committee " and " Committee ".

(4) In section 4(6) for the words "the Industrial Courts Act, 1919 " substitute the words " section 3 of the Employment Protection Act 1975 ".

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(5) Section 5(5) is hereby repealed.

*Civil Aviation Act 1949 (c. 67)*

5 In section 15 of the Civil Aviation Act 1949 in subsection (2) for the word " Minister " substitute the words " Advisory, Conciliation and Arbitration Service ", and in subsections (2) and (3) for the words " Industrial Court " and " Court " wherever they occur substitute respectively the words " Central Arbitration Committee " and " Committee."

*Public Records Act 1958 (c. 51)*

6 In Part II of the Table at the end of paragraph 3(2) of Schedule 1 to the Public Records Act 1958 insert at the appropriate place in alphabetical order the following entry—  
“Commission on Industrial Relations.”.

*Road Traffic Act 1960 (c. 16)*

7 In section 152 of the Road Traffic Act 1960.—  
(a) for subsection (2) substitute the following subsection:—  
“(2) Any organisation representative of the persons engaged in the road transport industry may make representations to the Advisory, Conciliation and Arbitration Service to the effect that the wages paid to, or the conditions of employment of, any persons employed by the holder of a road service licence are not in accordance with the requirements of the foregoing subsection, and if the matter in dispute is not otherwise disposed of it shall be referred by the Service to the Central Arbitration Committee for settlement.”; and  
(b) in subsections (3) and (4) for the words " Industrial Court " and " Court ", wherever they occur, substitute respectively the words " Central Arbitration Committee " and " Committee ".

*Films Act 1960 (c. 57)*

8 In section 42 of the Films Act 1960 for the words " Minister of Labour " substitute the words " Advisory, Conciliation and Arbitration Service " and for the words " industrial court " and " court " wherever they occur substitute respectively the words " Central Arbitration Committee " and " Committee ".

*Education (Scotland) Act 1962 (c. 47)*

9 (1) The Education (Scotland) Act 1962 shall be amended in accordance with the following provisions of this paragraph.  
(2) In section 85, subsection (3) and, in subsection (5), the word " (3) " are hereby repealed.  
(3) In section 123(2), in the proviso, the words from "and ", where secondly occurring, to the end are hereby repealed.  
(4) After section 123(2), insert the following subsection—

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“(2A) In any scheme for any endowment, any provision which applies subsection (3) of section 85 of this Act to any certificated or registered teacher in the employment of the governing body of that endowment, or which has, in relation to such a teacher, the like effect as such a provision, shall cease to have effect.”.

*Trade Union (Amalgamations, etc.) Act 1964 (c. 24)*

- 10 (1) The Trade Union (Amalgamations etc.) Act 1964 shall be amended in accordance with the following provisions of this paragraph.
- (2) In sections 1, 4, 6 and 7 (and the Schedules), for the word " Registrar " wherever it occurs substitute the words " Certification Officer " , and in section 9(1) after the definition of " the amalgamating unions " and " the amalgamated union " insert—
- “ Certification Officer ' means the officer appointed under section 7 of the Employment Protection Act 1975.”.
- (3) For section 4(8) substitute the following subsection—
- “(8) An appeal shall lie, in accordance with section 88(2) of the Employment Protection Act 1975, at the instance of the complainant or the trade union to the Employment Appeal Tribunal on any question of law arising in any proceedings before, or arising from any decision of, the Certification Officer under this section.”.

*Remuneration of Teachers Act 1965 (c. 3)*

- 11 (1) The Remuneration of Teachers Act 1965 shall be amended in accordance with the following provisions of this paragraph.
- (2) In section 3(3) for the words "Minister of Labour" substitute the words " Advisory, Conciliation and Arbitration Service " ; and references in any arrangements made by the Secretary of State under section 3(1) to the Minister of Labour shall be construed as references to the Service.
- (3) In section 3(3), the words from " and, where arbitrators" to the end, and section 6(d) are hereby repealed.

*Remuneration of Teachers (Scotland) Act 1967 (c. 36)*

- 12 (1) The Remuneration of Teachers (Scotland) Act 1967 shall be amended in accordance with the following provisions of this paragraph.
- (2) In section 3(3) for the words " Minister of Labour" substitute the words " Advisory, Conciliation and Arbitration Service " ; and references in any arrangements made by the Secretary of State under section 3(1) to the Minister of Labour shall be construed as references to the Service.
- (3) In section 3(3), the words from " and, where arbiters " to the end, and section 7(c) are hereby repealed.

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*Equal Pay Act 1970 (c. 41)*

- 13 (1) The Equal Pay Act 1970 shall be amended in accordance with the following provisions of this paragraph.
- (2) In sections 3, 4, 5, 7 and 10, for the words "Industrial Arbitration Board" (being words substituted by Part I of Schedule 1 to the Sex Discrimination Act 1975), wherever they occur, substitute the words " Central Arbitration Committee ".
- (3) In sections 4, 5 and 10 for the word " Board " (being a word so substituted), wherever it occurs except in the expression " Agricultural Wages Board ", substitute the word " Committee ".
- (4) In section 3(1), for the words " Part I of the Industrial Courts Act 1919 " there shall be substituted the words " section 10 of the Employment Protection Act 1975 ".
- (5) In section 3(2), for paragraph (b) substitute the following paragraph—
- “(b) if an award or determination is, or has been, made under any enactment requiring an employer to observe the collective agreement, that award or determination shall have effect by reference to the agreement as so amended.”
- (6) In section 4, in subsections (1) and (2), for the words " wages regulation order " wherever they occur there shall be substituted the words " order under section 11 of the Wages Council Act 1959 ".
- (7) In section 4(1) for the words from "the Secretary of State" in the second place where they occur to the end there shall be substituted the words " it shall be the duty of the wages council or statutory joint industrial council, by a further order coming into operation not later than five months after the date of the Committee's decision, either to make those amendments in the order referred to by the Committee or otherwise to replace or amend that order so as to remove the discrimination. ".
- (8) In section 4, after subsection (1) there shall be inserted the following subsection—
- “(1A) Where a wages council or statutory joint industrial council certifies that the effect of an order under section 11 of the Wages Councils Act 1959 is only to make such amendments of a previous order as have under this section been declared by the Central Arbitration Committee to be needed, or to make such amendments as aforesaid with minor modifications or modifications of limited application, or is only to revoke and reproduce with such amendments a previous order, then the wages council or statutory joint industrial council may instead of complying with subsections (3) and (3A) of the said section 11 give notice of the proposed order in such manner as appears to the council expedient in the circumstances, and may make the order at any time after the expiration of seven days from the giving of the notice.”.
- (9) In section 4, for subsection (2) there shall be inserted the following subsection—
- “(2) An order under section 11 of the Wages Councils Act 1959 shall be referred to the Central Arbitration Committee under this section if the Secretary of State is requested so to refer it either—
- (a) by an employers' association for the time being entitled to nominate for membership of the wages council or statutory joint industrial council in question persons representing employers (or, if provision

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is made for any of the persons representing employers to be elected instead of nominated, then by a member or members representing employers); or

- (b) by a trade union for the time being entitled to nominate for membership of the wages council or statutory joint industrial council in question persons representing workers (or, if provision is made for any of the persons representing workers to be elected instead of nominated, then by a member or members representing workers);

or if in any case it appears to the Secretary of State that the order may be amendable under this section.”.

- (10) In section 4(3), after the words "12(1)" wherever they occur there shall be inserted the words " or (1A) ", and for the words "11(7)" there shall be substituted the words " 11(8) ".

- (11) Section 4(4) is hereby repealed.

*Tribunals and Inquiries Act 1971 (c. 62)*

- 14 Section 13 of the Tribunals and Inquiries Act 1971 (which, among other things, makes provision for appeals from and the statement of cases by industrial tribunals to the High Court or the Court of Session) shall, in its application to industrial tribunals, be taken as referring to those tribunals only when exercising jurisdiction other than under the Acts referred to in section 88(1) above.

*Independent Broadcasting Authority Act 1973 (c. 19)*

- 15 In section 16 of the Independent Broadcasting Authority Act 1973 for the words " Secretary of State " wherever they occur substitute the words " Advisory, Conciliation and Arbitration Service " and for the words " Industrial Arbitration Board" and " Board" wherever they occur substitute respectively the words " Central Arbitration Committee " and " Committee ".

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

- 16 (1) The House of Commons Disqualification Act 1975 shall be amended in accordance with the following provisions of this paragraph.
- (2) In Part II of Schedule 1 (bodies of which all members are disqualified under that Act), insert, at the appropriate places in alphabetical order, the following entries:—
- “The Central Arbitration Committee.”
- “The Council of the Advisory, Conciliation and Arbitration Service.”
- “The Employment Appeal Tribunal.”
- “The Employment Service Agency.”
- “The Training Services Agency.”
- (3) In Part III of Schedule 1 (other disqualifying offices), insert the following entry at the appropriate place in alphabetical order:—
- “Certification Officer or assistant certification officer appointed under section 7 of the Employment Protection Act 1975.”

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

17 After section 31(8) of the Social Security Pensions Act 1975 there shall be inserted the following subsection:—

“(9) A trade union shall be treated as recognised for the purpose of this section not only if it is recognised for the purpose of collective bargaining, but also if the Advisory Conciliation and Arbitration Service has made a recommendation for recognition under the Employment Protection Act 1975 and that recommendation is operative within the meaning of section 15 of that Act.”.

*Sex Discrimination Act 1975 (c. 65)*

- 18 (1) The Sex Discrimination Act 1975 shall be amended in accordance with the following provisions of this paragraph.
- (2) In section 65(2), for the words " amount for the time being specified in paragraph 20(1)(b)" substitute the words " limit for the time being imposed by paragraph 20 ".
- (3) In the Equal Pay Act 1970 as set out in Part II of Schedule 1 to the Sex Discrimination Act 1975 there shall be made the same amendments as are made to the former Act by paragraph 13 of this Part of this Schedule.