

---

STATUTORY INSTRUMENTS

---

**1992 No. 807**

**The Industrial Relations (Northern Ireland) Order 1992**

**PART II**

**DEFINITION, STATUS AND GENERAL REGULATION  
OF TRADE UNIONS AND EMPLOYERS' ASSOCIATIONS**

*Definition and status*

**Definition and status of trade union**

**3.—(1)** In this Order “trade union” means an organisation (whether permanent or temporary) which either—

- (a) consists wholly or mainly of workers of one or more descriptions and is an organisation whose principal purposes include the regulation of relations between workers of that description or those descriptions and employers or employers' associations; or
- (b) consists wholly or mainly of—
  - (i) constituent or affiliated organisations which fulfil the conditions specified in subparagraph (a) (or themselves consist wholly or mainly of constituent or affiliated organisations which fulfil those conditions); or
  - (ii) representatives of such constituent or affiliated organisations;

and in either case is an organisation whose principal purposes include the regulation of relations between workers and employers or between workers and employers' associations, or include the regulation of relations between its constituent or affiliated organisations.

(2) A trade union shall not be, or be treated as if it were, a body corporate, but—

- (a) it shall be capable of making contracts;
- (b) all property belonging to the trade union shall be vested in trustees in trust for the union;
- (c) it shall be capable of suing and being sued in its own name, whether in proceedings relating to property or founded on contract or tort or any other cause of action whatsoever;
- (d) proceedings for any offence alleged to have been committed by it or on its behalf may be brought against it in its own name; and
- (e) any judgment, order or award made in proceedings of any description brought against the trade union shall be enforceable by way of enforcement order under the Judgments Enforcement (Northern Ireland) Order 1981(1), punishment for contempt or otherwise, against any property held in trust for the trade union to the like extent and in the like manner as if the union were a body corporate.

(3) A trade union shall not be registered as a company under the Companies Order and accordingly any registration of a trade union under that Order (whenever effected) shall be void.

(4) A trade union shall not be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969<sup>(2)</sup> or the Friendly Societies Act (Northern Ireland) 1970<sup>(3)</sup> and accordingly any registration of a trade union under either of those Acts (whenever effected) shall be void.

(5) The purposes of any trade union shall not, by reason only that they are in restraint of trade, be unlawful so as—

- (a) to make any member of the trade union liable to criminal proceedings for conspiracy or otherwise; or
- (b) to make any agreement or trust void or voidable;

nor shall any rule of a trade union be unlawful or unenforceable by reason only that it is in restraint of trade.

(6) Article 113 of the Judgments Enforcement (Northern Ireland) Order 1981<sup>(4)</sup> (sequestration order against company in contempt) shall apply to a trade union as it applies to a company.

### **Definition and status of employers' association**

4.—(1) Subject to paragraph (2), in this Order “employers' association” means an organisation (whether permanent or temporary) which either—

- (a) consists wholly or mainly of employers or individual proprietors of one or more descriptions and is an organisation whose principal purposes include the regulation of relations between employers of that description or those descriptions and workers or trade unions; or
- (b) consists wholly or mainly of—
  - (i) constituent or affiliated organisations which fulfil the conditions specified in subparagraph (a) (or themselves consist wholly or mainly of constituent or affiliated organisations which fulfil those conditions); or
  - (ii) representatives of such constituent or affiliated organisations;

and in either case is an organisation whose principal purposes include the regulation of relations between employers and workers or between employers and trade unions, or include the regulation of relations between its constituent or affiliated organisations.

(2) References in this Order to an employers' association include references to a combination of employers and employers' associations.

(3) An employers' association may be either a body corporate or an unincorporated association.

(4) Where an employers' association is unincorporated—

- (a) it shall be capable of making contracts;
- (b) all property belonging to the employers' association shall be vested in trustees in trust for the association;
- (c) it shall be capable of suing and being sued in its own name, whether in proceedings relating to property or founded on contract or tort or any other cause of action whatsoever;
- (d) proceedings for any offence alleged to have been committed by it or on its behalf may be brought against it in its own name; and
- (e) any judgment, order or award made in proceedings of any description brought against the employers' association shall be enforceable by way of enforcement order under the Judgments Enforcement (Northern Ireland) Order 1981<sup>(5)</sup>, punishment for contempt or

(2) 1969 c. 24 (N.I.)

(3) 1970 c. 31 (N.I.)

(4) 1981 NI 6

(5) 1981 NI 6

otherwise, against any property held in trust for the employers' association to the like extent and in the like manner as if the association were a body corporate.

(5) Nothing in Article 665 of the Companies Order (associations of over 20 members for certain purposes must be incorporated or otherwise formed in special ways) shall be taken to prevent the formation of an employers' association which is neither registered as a company under that Order nor otherwise incorporated.

(6) The purposes of an unincorporated employers' association and, in so far as they relate to the regulation of relations between employers and workers or trade unions, the purposes of an employers' association which is a body corporate, shall not, by reason only that they are in restraint of trade, be unlawful so as—

- (a) to make any member of the association liable to criminal proceedings for conspiracy or otherwise; or
- (b) to make any agreement or trust void or voidable;

nor shall any rule of an unincorporated employers' association or, in so far as it so relates, any rule of an employers' association which is a body corporate be unlawful or unenforceable by reason only that it is in restraint of trade.

(7) Article 113 of the Judgments Enforcement (Northern Ireland) Order 1981 (sequestration order against company in contempt) shall apply to an unincorporated employers' association as it applies to a company.