



Trade Union and Labour Relations Act 1974

CHAPTER 52

TRADE UNION AND LABOUR RELATIONS ACT 1974

Repeal of Industrial Relations Act 1971

- 1 Repeal of Industrial Relations Act 1971 and re-enactment of certain provisions

Status and regulation of trade unions and employers' associations

- 2 Status of trade unions
- 3 Status of employers' associations
- 4 Supplementary provisions about property of trade unions and unincorporated employers' associations
- 5 Rights of workers as to arbitrary or unreasonable exclusion or expulsion from trade union
- 6 Provisions as to rules of trade unions and employers' associations
- 7 Right to terminate membership of trade union
- 8 Lists of trade unions and employers' associations
- 9 Application of existing Acts referring to registered trade unions, employers' associations, etc.
- 10 Duty to keep accounting records
- 11 Duties as to annual returns, auditors and members' superannuation schemes
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Restrictions on legal liability and legal proceedings

- 13 Acts in contemplation or furtherance of trade disputes
- 14 Immunity of trade unions and employers' associations to actions in tort

- 15 Peaceful picketing
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- 18 Enforceability of collective agreements

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- 19 Transitional provisions for trade unions and employers' associations ceasing to be incorporated
- 20 Power to alter certain rules of trade unions restricting the application of funds
- 21 Effect of abolition of National Industrial Relations Court on pending proceedings and decisions given
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- 23 Provisions supplementary to sections 21 and 22
- 24 Power to compensate for loss of office
- 25 Miscellaneous amendments, and transitional provisions and repeals

Supplementary

- 26 Regulations and orders
- 27 Expenses
- 28 Meaning of trade union and employers' association
- 29 Meaning of trade dispute
- 30 General provisions as to interpretation
- 31 Short title, commencement and extent

SCHEDULES

SCHEDULE 1 — Re-Enacted Provisions of Industrial Relations Act 1971

PART I — INTRODUCTORY

Code of Practice[Section 2]

- 1 (1) 'It shall be the duty of the Secretary of...

Revisions of Code of Practice[Section 3]

- 2 (1) Where the Secretary of State proposes to revise the...

Use of code in proceedings under this Act[Section 4]

- 3 —A failure on the part of any person to observe...

PART II — UNFAIR DISMISSAL

Right of employee not to be unfairly dismissed[Section 22]

- 4 (1) In every employment to which this paragraph applies every...

Meaning of "dismissal"[Section 23]

- 5 (1) In this Schedule "dismissal" and "dismiss...

Status: This is the original version (as it was originally enacted).

Fair and unfair dismissal[Section 24]

6 (1) In determining for the purposes of this Schedule whether...

Dismissal in connection with a lock-out[Section 25]

7 (1) The dismissal of an employee by way of a...

Dismissal in connection with a strike or other industrial action[Section 26]

8 (1) The provisions of this paragraph shall have effect in...

Excluded classes of employment[Section 27]

9 (1) Paragraph 4 above does not apply to any of...

Qualifying period and upper age limit[Section 28]

10 Subject to paragraph 11 below, paragraph 4 above does not...

Supplementary provisions relating to paragraphs 9 and 10[Section 29]

11 (1) Paragraphs 9(1)(a) and 10 above shall not apply to...

Exclusion of certain contracts for a fixed term[Section 30]

12 Paragraph 4 above does not apply— (a) to dismissal from...

Exclusion in respect of dismissal procedures agreement[Section 31]

13 (1) An application may be made jointly to the Secretary...

Revocation of exclusion under paragraph 13[Section 32]

14 (1) At any time when an order under paragraph 13...

Pressure on employer to dismiss unfairly[Section 33]

15 In determining, for the purposes of this Part of this...

PART III — JURISDICTION AND PROCEDURE OF INDUSTRIAL TRIBUNALS

Extended scope of industrial tribunals[Section 100]

16 (1) Tribunals established under section 12 of the Industrial Training...

Complaint to industrial tribunal of unfair dismissal[Section 106]

17 (1) A complaint may be presented to an industrial tribunal...

National security[Section 159]

18 (1) If on a complaint under paragraph 17 above it...

General principles as to assessment of compensation[Section 116]

19 (1) Where in any proceedings on a complaint under paragraph...

Limit on compensation[Section 118]

20 (1) The amount of compensation which is awarded to a...

Regulations as to tribunal procedure[Schedule 6, paragraphs 1 to 5 and 11]

21 (1) Regulations (in this Part of this Schedule referred to...

Exclusion of Arbitration Act 1950[Schedule 6, paragraph 7]

22 The Arbitration Act 1950 shall not apply to any proceedings...

Presumption as to dismissal for redundancy[Schedule 6, paragraph 8]

23 Where in accordance with the regulations an industrial tribunal determines...

Right of appearance[Schedule 6, paragraph 9]

24 Any person may appear before an industrial tribunal in person...

Recovery of sums awarded[Schedule 6, paragraph 10]

25 (1) Any sum payable in pursuance of a decision of...

PART IV — CONCILIATION OFFICERS, AND MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

Conciliation officers[Section 146]

26 (1) The Secretary of State shall appoint conciliation officers to...

Teacher in aided school dismissed on requirement of local education authority[Section 148]

27 (1) Where a teacher in an aided school is dismissed...

Race Relations Act 1968[Section 149]

28 (1) Where under the Race Relations Act 1968 a complaint...

Redundancy payments[Section 150]

29 (1) Regulations may make provision with respect to cases where...

Period of continuous employment[Section 151]

30 (1) The provisions of Schedule 1 to the Contracts of...

Nominations by members of trade unions[Section 155]

31 (1) Regulations may make provision— (a) for enabling members of...

Restrictions on contracting out[Section 161]

32 (1) Except as provided by sub-paragraph (2) below, any provision...

Employment under the Crown[Section 162]

33 (1) Subject to the following provisions of this paragraph, the...

SCHEDULE 2 — Administrative Provisions Relating to Trade Unions and Employers' Associations

PART I — ANNUAL RETURNS, AND QUALIFICATIONS, APPOINTMENT AND REMOVAL, AND FUNCTIONS, OF AUDITORS

Annual returns

- 1 (1) Subject to paragraph 5 below, the annual return of...
- 2 Every annual return shall contain— (a) revenue accounts indicating the...
- 3 Every revenue account, every balance sheet and every other account...
- 4 Every return, in addition to containing the accounts mentioned in...
- 5 The Registrar, if in any particular case he considers it...

Qualifications of auditors

- 6 Subject to paragraphs 7 to 9 below, a person shall...
- 7 Notwithstanding anything in paragraph 6 above, a Scottish firm may...
- 8 A person who is not qualified under paragraph 6 above...
- 9 (1) Two or more persons who are not qualified under...
- 10 (1) None of the following persons shall act as auditor...

Appointment and removal of auditors

- 11 The rules of every trade union and every employers' association...
- 12 Notwithstanding anything in the rules of a trade union or...
- 13 (1) Notwithstanding anything in the rules of a trade union...
- 14 Regulations may make provision as to the procedure to be...
- 15 (1) Where any regulations made under paragraph 14 above require...

Auditor's right of access to books and information and right to be heard at meetings

- 16 Every auditor of a trade union or an employers' association—...
- 17 Every auditor of a trade union or an employers' association...

Auditors' reports

- 18 The auditor or auditors of a trade union or an...
 - 19 The report shall state whether, in the opinion of the...
 - 20 It shall be the duty of the auditor or auditors,...
 - 21 If an auditor fails to obtain all the information and...
 - 22 In this Part of this Schedule " accounting period ",...
- PART II — MEMBERS' SUPERANNUATION SCHEMES

Examination of superannuation schemes

- 23 Subject to paragraphs 29 to 31 below, every trade union...
- 24 Where a members' superannuation scheme to which paragraph 23 above...
- 25 The report made by the actuary on the results of...
- 26 A copy of any report made by an actuary under...
- 27 Subject to paragraphs 30 and 31 below, no trade union...
- 28 A copy of any report made to a trade union...
- 29 Where on the application of a trade union or employers'...
- 30 The Registrar, on the application of a trade union or...
- 31 The Registrar may at any time revoke any exemption granted...

Periodical re-examination of schemes

- 32 (1) Where a trade union or employers' association for the...
- 33 The provisions of paragraphs 24 to 26 and paragraph 28...

Separate fund for members' superannuation scheme

- 34 After the commencement of this Part of this Schedule no...
 35 After the end of the period of five years beginning...

Interpretation of Part II

- 36 In this Part of this Schedule— (a) " members' superannuation...

SCHEDULE 3 — Miscellaneous Amendments

The Conspiracy, and Protection of Property Act 1875 (c. 86)

- 1 In section 3 of the Conspiracy, and Protection of Property...

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

- 2 (1) The Trade Union Act 1913 shall be amended in...

The Industrial Courts Act 1919 (c. 69)

- 3 In sections 1, 2, 3, 7 and 9, for the...

The Road Haulage Wages Act 1938 (c. 44)

- 4 In section 15(1) of the Road Haulage Wages Act 1938,...

The Industrial Assurance and Friendly Societies Act 1948 (c. 39)

- 5 (1) The Industrial Assurance and Friendly Societies Act 1948 shall...

The House of Commons Disqualification Act 1957 (c. 20)

- 6 (1) In Part II of Schedule 1 to the House...

The Insurance Companies Act 1958 (c. 72)

- 7 In section 1 of the Insurance Companies Act 1958, after...

The Terms and Conditions of Employment Act 1959 (c. 26)

- 8 In section 8(2) of the Terms and Conditions of Employment...

The Wages Councils Act 1959 (c. 69)

- 9 (1) The Wages Councils Act 1959 shall be amended in...

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

- 10 (1) The Trade Union (Amalgamations, etc.) Act 1964 shall be...

The Trade Union (Amalgamations etc) Act (Northern Ireland) 1965 (c. 2) (N.I.)

- 11 For section 9(2) of the Trade Union (Amalgamations etc.) Act...

The Companies Act 1967 (c. 81)

- 12 In section 60(1) of the Companies Act 1967 for the...

The Insurance Companies Act (Northern Ireland) 1968 (c. 6) (N.I.)

13 (1) The Insurance Companies Act (Northern Ireland) 1968 shall be...

The Merchant Shipping Act 1970 (c. 36)

14 In section 42 of the Merchant Shipping Act 1970, in...

The Tribunals and Inquiries Act 1971 (c. 62)

15 Section 13 of the Tribunals and Inquiries Act 1971 (which,...

The Contracts of Employment Act 1972 (c. 53)

16 In section 4(2) of the Contracts of Employment Act 1972,...

The Administration of Justice (Scotland) Act 1972 (c.59)

17 In section 3(3) of the Administration of Justice (Scotland) Act...

SCHEDULE 4 — Transitional Provisions

- 1 Schedule 1 to this Act shall apply to dismissals where...
- 2 Subject to any provision to the contrary contained in section...
- 3 Parts III and IV of Schedule 1 to this Act...
- 4 As respects proceedings pending in the National Industrial Relations Court...
- 5 Schedule 2 to this Act shall apply to a trade...
- 6 (1) In so far as anything done or treated as...
- 7 Any enactment or document which refers, whether specifically or by...
- 8 Nothing in this Schedule shall be construed as prejudicing section...

SCHEDULE 5 — Enactments Repealed