

Status: Point in time view as at 01/07/1992.

Changes to legislation: There are currently no known outstanding effects for the Employment Protection Act 1975, Part III. (See end of Document for details)

SCHEDULES

SCHEDULE 16

MINOR AND CONSEQUENTIAL AMENDMENTS

^{F1}PART III

Textual Amendments

- F1** Sch. 16 Pt. III repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992](#) (c. 52), ss. 300(1), 302, [Sch.1](#).

- 1 In section 8 and 11, and in Schedule 2, for the words “Registrar of Friendly Societies” and “Registrar” wherever they occur substitute the words “Certification Officer”.

Modifications etc. (not altering text)

- C1** The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt.I, Pt.II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1) (2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt.IV paras. 2(1)–(4), 3(1) (2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 2 In section 8, after subsection (6) insert the following subsection: —

“(6A) The Certification Officer shall remove the name of an organisation from the relevant list —

- (a) if he is requested by the organisation to do so, or
- (b) if he is satisfied that the organisation has ceased to exist”.

Modifications etc. (not altering text)

- C2** The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt.I, Pt.II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1) (2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt.IV paras. 2(1)–(4), 3(1) (2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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3 For section 8(7) substitute the following subsection:—

“(7) Any organisation aggrieved by the refusal of the Certification Officer to enter its name in the relevant list or by a decision of his to remove its name from that list may appeal, in accordance with section 88(3) of the Employment Protection Act 1975, to the Employment Appeal Tribunal; and on any such appeal the Tribunal, if satisfied that the name should be or remain so entered, shall declare that fact and give directions to the Certification Officer accordingly.”

Modifications etc. (not altering text)

C3 The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt.I, Pt.II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1) (2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt.IV paras. 2(1)–(4), 3(1) (2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

4 F2

Textual Amendments

F2 Ss. 106(1), Sch. 16 Pt. III paras. 4, 17, Sch. 17 para. 13 repealed by Employment Act 1980 (c. 42), Sch. 2

5 In section 8(10), for the words from the beginning to “employers’ associations” substitute the words “The fact that the name of an organisation is included in the list of trade unions or employers’ associations shall be evidence (and in Scotland sufficient evidence) that the organisation is a trade union or, as the case may be, an employers’ association, and on the application of the organisation”, and omit the words from “and that the organisation” to the end.

Modifications etc. (not altering text)

C4 The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt.I, Pt.II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1) (2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt.IV paras. 2(1)–(4), 3(1) (2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

6 Renumber section 17 (restriction on grant of ex parte injunctions and interdicts) as subsection (1) of that section and at the end of that section insert the following subsection:—

“(2) It is hereby declared for the avoidance of doubt that where an application is made to a court, pending the trial of an action, for an interlocutory injunction and the party against whom the injunction is sought claims that he acted in contemplation or furtherance of a trade dispute, the court shall, in exercising

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its discretion whether or not to grant the injunction, have regard to the likelihood of that party's succeeding at the trial of the action in establishing the matter or matters which would, under any provision of section 13, 14(2) or 15 above, afford a defence to the action.

(3) Subsection (2) above shall not extend to Scotland”.

Modifications etc. (not altering text)

C5 The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1) (2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt. IV paras. 2(1)–(4), 3(1) (2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

7 (1) In section 30(1), after the definition of “act” and “action” insert—

““Certification Officer” means the officer appointed under section 7 of the Employment Protection Act 1975 ;”.

(2) In that subsection, after the definition of “employee” insert—

““employer” (subject to subsection (2) below)—

(a) where the reference is to an employer in relation to an employee, means the person by whom the employee is (or, in a case where the employment has ceased, was) employed, and

(b) in any other case, means a person regarded in that person's capacity as one for whom one or more workers work, or have worked or normally work or seek to work ;”.

(3) In that subsection, at the end of the definition of “independent trade union” insert “and (in relation to a trade union) “independence” and “independent” shall be construed accordingly;”.

(4) In that subsection, after the definition of “individual proprietor” insert—

““job”, in relation to an employee, means the nature of the work which he is employed to do in accordance with his contract and the capacity and place in which he is so employed ;”.

(5) In that subsection, after the definition of “1971 Act”, insert—

““officer”, in relation to a trade union or an employers' association includes any member of the governing body of that union or association and any trustee of any fund applicable for the purposes of that union or association;”.

Modifications etc. (not altering text)

C6 The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1) (2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt. IV paras. 2(1)–(4), 3(1)

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(2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

8 F3

Textual Amendments

F3 Ss. 22–39, 41–88, 108(2)–(8), 109, 112, 119(2)(8)–(11), 120, 121(8), 122(3), 124(2)–(4), 126(3)(5), 128(2), 129(2), Schs. 2–6, Sch. 12 Pt. II paras. 8–12, Sch. 16 Pts. I,II, Pt. III paras. 8, 10, 11 ,13–16, 18–30, 34, Pt.IV para. 14, Sch. 17 paras. 7–10, 16, 17 repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), [Sch. 17](#)

9 F4

Textual Amendments

F4 Sch. 16 Pt.III para. 9, 12 repealed by [Education \(Scotland\) Act 1980 \(c. 44\)](#), [Sch. 5](#)

10, 11. F5

Textual Amendments

F5 Ss. 22–39, 41–88, 108(2)–(8), 109, 112, 119(2)(8)–(11), 120, 121(8), 122(3), 124(2)–(4), 126(3)(5), 128(2), 129(2), Schs. 2–6, Sch. 12 Pt. II paras. 8–12, Sch. 16 Pts. I,II, Pt. III paras. 8, 10, 11 ,13–16, 18–30, 34, Pt.IV para. 14, Sch. 17 paras. 7–10, 16, 17 repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), [Sch. 17](#)

12 F6

Textual Amendments

F6 Sch. 16 Pt.III para. 9, 12 repealed by [Education \(Scotland\) Act 1980 \(c. 44\)](#), [Sch. 5](#)

13–16. F7

Textual Amendments

F7 Ss. 22–39, 41–88, 108(2)–(8), 109, 112, 119(2)(8)–(11), 120, 121(8), 122(3), 124(2)–(4), 126(3)(5), 128(2), 129(2), Schs. 2–6, Sch. 12 Pt. II paras. 8–12, Sch. 16 Pts. I,II, Pt. III paras. 8, 10, 11 ,13–16, 18–30, 34, Pt.IV para. 14, Sch. 17 paras. 7–10, 16, 17 repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), [Sch. 17](#)

17 F8

Textual Amendments

F8 Ss. 106(1), Sch. 16 Pt. III paras. 4, 17, Sch. 17 para. 13 repealed by [Employment Act 1980 \(c. 42\)](#), [Sch. 2](#)

18–30. F9

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Textual Amendments

- F9** Ss. 22–39, 41–88, 108(2)–(8), 109, 112, 119(2)(8)–(11), 120, 121(8), 122(3), 124(2)–(4), 126(3)(5), 128(2), 129(2), Schs. 2–6, Sch. 12 Pt. II paras. 8–12, Sch. 16 Pts. I,II, Pt. III paras. 8, 10, 11, 13–16, 18–30, 34, Pt.IV para. 14, Sch. 17 paras. 7–10, 16, 17 repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), [Sch. 17](#)

- 31 In paragraph 31(1)(b) of Schedule 1 (nominations by members of trade unions) for the words “£500” substitute the words “£1,500”.

Modifications etc. (not altering text)

- C7** The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt.I, Pt.II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1)(2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt.IV paras. 2(1)–(4), 3(1)(2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 32 In paragraph 31 of Schedule 1, for sub-paragraphs (4) and (5) substitute the following sub-paragraph:—

“(4) Sub-paragraph (1)(b) above shall be included among the provisions with respect to which the Treasury may make an order under section 6(1) of the Administration of Estates (Small Payments) Act 1965, substituting, for references to the amount for the time being provided for, references to such higher amount as may be specified in the order.”.

Modifications etc. (not altering text)

- C8** The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt.I, Pt.II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1)(2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt.IV paras. 2(1)–(4), 3(1)(2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 33 In paragraph 33(2) of Schedule 1, after the words “government department” insert the words “or any officer or body exercising on behalf of the Crown functions conferred by any enactment”, and in paragraph 33(3)(e) of that Schedule, after the word “department” in the second, third and fourth places where it occurs insert the words “, officer or body”.

Modifications etc. (not altering text)

- C9** The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt.I, Pt.II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1)

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(2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt.IV paras. 2(1)–(4), 3(1)(2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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F10

Textual Amendments

F10 Ss. 22–39, 41–88, 108(2)–(8), 109, 112, 119(2)(8)–(11), 120, 121(8), 122(3), 124(2)–(4), 126(3)(5), 128(2), 129(2), Schs. 2–6, Sch. 12 Pt. II paras. 8–12, Sch. 16 Pts. I,II, Pt. III paras. 8, 10, 11, 13–16, 18–30, 34, Pt.IV para. 14, Sch. 17 paras. 7–10, 16, 17 repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), **Sch. 17**

- 35 (1) For the avoidance of doubt it is hereby declared that the change of name of the Industrial Court to the Industrial Arbitration Board originally effected by section 124(2) of the ^{M1}Industrial Relations Act 1971 and continued in force, so far as the ^{M2}Industrial Courts Act 1919 is concerned, by paragraph 3 of Schedule 3 to the 1974 Act, shall, as respects the relevant period, be taken not to have divested that body of any functions under any other enactment or any instrument notwithstanding that after the repeal by the 1974 Act of the said section 124(2) references in any such other enactment or any such instrument to the Industrial Court were no longer expressly directed to be construed as references to the Industrial Arbitration Board.
- (2) In this paragraph “the relevant period” means the period beginning with 16th September 1974 (the day appointed for the coming into operation of the said Schedule 3) and ending with the repeal by this Act of Part I of the ^{M3}Industrial Courts Act 1919.

Marginal Citations

M1 1971 c. 72.
M2 1919 c. 69.
M3 1919 c. 69.

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