



Employment Act 1982

1982 CHAPTER 46

Trade disputes

17 Recovery of sums awarded in proceedings involving trade unions and employers' associations

(1) Where in any proceedings an amount is awarded by way of damages, costs or expenses—

- (a) against a trade union or employers' association ;
- (b) against trustees in whom property is vested in trust for a trade union or employers' association, in their capacity as such and otherwise than in respect of a breach of trust on their part; or
- (c) against members or officials of a trade union or employers' association on behalf of themselves and all of the members of the union or association;

no part of that amount shall be recoverable by enforcement against any protected property.

(2) In this section " protected property " means any property—

- (a) belonging to the trustees concerned otherwise than in their capacity as such ;
- (b) belonging to any member of the union or association concerned otherwise than jointly or in common with the other members;
- (c) belonging to any official of the union or association concerned who is neither a member nor such a trustee ;
- (d) comprised in a political fund of the union concerned; or
- (e) comprised in a provident benefits fund of the union concerned.

(3) In subsection (2) above—

" political fund " means a fund which is a political fund for the purposes of section 3 of the Trade Union Act 1913 and which is (and was at the time when the act in respect of which the proceedings are brought was done) subject to rules of the union which prevent property which is or has been comprised in the fund from being used for financing strikes or other industrial action;

Status: This is the original version (as it was originally enacted).

"provident benefits" includes any payment, expressly authorised by the rules of the union, which is made to a member during sickness or incapacity from personal injury or while out of work, or to an aged member by way of superannuation, or to a member who has met with an accident or has lost his tools by fire or theft, and includes a payment in discharge or aid of funeral expenses on the death of a member or the wife of a member, or as provision for the children of a deceased member; and

"provident benefits fund" means a separate fund which is maintained in accordance with the rules of the union for the purpose only of providing provident benefits.