



Trade Union and Labour Relations (Consolidation) Act 1992

1992 CHAPTER 52

PART V

INDUSTRIAL ACTION

Supplementary

244 Meaning of “trade dispute” in Part V.

- (1) In this Part a “trade dispute” means a dispute between workers and their employer which relates wholly or mainly to one or more of the following—
- (a) terms and conditions of employment, or the physical conditions in which any workers are required to work;
 - (b) engagement or non-engagement, or termination or suspension of employment or the duties of employment, of one or more workers;
 - (c) allocation of work or the duties of employment between workers or groups of workers;
 - (d) matters of discipline;
 - (e) a worker’s membership or non-membership of a trade union;
 - (f) facilities for officials of trade unions; and
 - (g) machinery for negotiation or consultation, and other procedures, relating to any of the above matters, including the recognition by employers or employers’ associations of the right of a trade union to represent workers in such negotiation or consultation or in the carrying out of such procedures.
- (2) A dispute between a Minister of the Crown and any workers shall, notwithstanding that he is not the employer of those workers, be treated as a dispute between those workers and their employer if the dispute relates to matters which—
- (a) have been referred for consideration by a joint body on which, by virtue of provision made by or under any enactment, he is represented, or

Status: Point in time view as at 18/09/2000.

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- (b) cannot be settled without him exercising a power conferred on him by or under an enactment.
- (3) There is a trade dispute even though it relates to matters occurring outside the United Kingdom, so long as the person or persons whose actions in the United Kingdom are said to be in contemplation or furtherance of a trade dispute relating to matters occurring outside the United Kingdom are likely to be affected in respect of one or more of the matters specified in subsection (1) by the outcome of the dispute.
- (4) An act, threat or demand done or made by one person or organisation against another which, if resisted, would have led to a trade dispute with that other, shall be treated as being done or made in contemplation of a trade dispute with that other, notwithstanding that because that other submits to the act or threat or accedes to the demand no dispute arises.
- (5) In this section—
 - “employment” includes any relationship whereby one person personally does work or performs services for another; and
 - “worker”, in relation to a dispute with an employer, means—
 - (a) a worker employed by that employer; or
 - (b) a person who has ceased to be so employed if his employment was terminated in connection with the dispute or if the termination of his employment was one of the circumstances giving rise to the dispute.

245 Crown employees and contracts.

Where a person holds any office or employment under the Crown on terms which do not constitute a contract of employment between that person and the Crown, those terms shall nevertheless be deemed to constitute such a contract for the purposes of—

- (a) the law relating to liability in tort of a person who commits an act which—
 - (i) induces another person to break a contract, interferes with the performance of a contract or induces another person to interfere with its performance, or
 - (ii) consists in a threat that a contract will be broken or its performance interfered with, or that any person will be induced to break a contract or interfere with its performance, and
- (b) the provisions of this or any other Act which refer (whether in relation to contracts generally or only in relation to contracts of employment) to such an act.

246 Minor definitions.

In this Part—

“date of the ballot” means, in the case of a ballot in which votes may be cast on more than one day, the last of those days;

^{F1} . . .

“strike” means [^{F2}(except for the purposes of section 229(2))] any concerted stoppage of work;

“working hours”, in relation to a person, means any time when under his contract of employment, or other contract personally to do work or perform services, he is required to be at work.

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Textual Amendments

- F1** Words in s. 246 repealed (30.8.1993) by 1993 c. 19, ss. 49(1), 51, Sch. 7 para. 26, **Sch. 10**; S.I. 1993/1908, art. 2(1), **Sch. 1**
- F2** Words in definition of “strike”
in s. 246 inserted (18.9.2000) by 1999 c. 26, s. 4, Sch. 3 para. 1, **6(4)**; S.I. 2000/2242, art. 2(2) (with transitional provisions in art. 4)
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Modifications etc. (not altering text)

- C1** S. 246 applied (14.8.2000) by S.I. 2000/1828, art. 2(5)(c)

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