



Trade Union and Labour Relations (Consolidation) Act 1992

1992 CHAPTER 52

PART VII

MISCELLANEOUS AND GENERAL

Crown employment, etc.

273 Crown employment.

- (1) The provisions of this Act have effect (except as mentioned below) in relation to Crown employment and persons in Crown employment as in relation to other employment and other workers or employees.
- (2) The following provisions are excepted from subsection (1)—
 - section 87(3) (power of court to make order in respect of employer's failure to comply with duties as to union contributions);
 - sections 184 and 185 (remedy for failure to comply with declaration as to disclosure of information);
 - Chapter II of Part IV (procedure for handling redundancies).
- (3) In this section Crown employment means employment under or for the purposes of a government department or any officer or body exercising on behalf of the Crown functions conferred by an enactment.
- (4) For the purposes of the provisions of this Act as they apply in relation to Crown employment or persons in Crown employment—
 - (a) employee and contract of employment mean a person in Crown employment and the terms of employment of such a person (but subject to subsection (5) below);
 - (b) dismissal means the termination of Crown employment;

Status: Point in time view as at 16/10/1992.

Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Cross Heading: Crown employment, etc. is up to date with all changes known to be in force on or before 31 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (c) redundancy means the existence of such circumstances as, in accordance with any arrangements for the time being in force as mentioned in section 111(3) of the ^{M1}Employment Protection (Consolidation) Act 1978 are treated as equivalent to redundancy in relation to Crown employment;
 - (d) the reference in 182(1)(e) (disclosure of information for collective bargaining: restrictions on general duty) to the employer's undertaking shall be construed as a reference to the national interest; and
 - (e) any other reference to an undertaking shall be construed, in relation to a Minister of the Crown, as a reference to his functions or (as the context may require) to the department of which he is in charge, and in relation to a government department, officer or body shall be construed as a reference to the functions of the department, officer or body or (as the context may require) to the department, officer or body.
- (5) Sections 137 to 143 (rights in relation to trade union membership: access to employment) apply in relation to Crown employment otherwise than under a contract only where the terms of employment correspond to those of a contract of employment.
- (6) This section has effect subject to section 274 (armed forces) and section 275 (exemption on grounds of national security).

Marginal Citations

M1 1978 c. 44.

274 Armed forces.

- (1) Section 273 (application of Act to Crown employment) does not apply to service as a member of the naval, military or air forces of the Crown.
- (2) But that section applies to employment by an association established for the purposes of Part VI of the ^{M2}Reserve Forces Act 1980 (territorial, auxiliary and reserve forces associations) as it applies to employment for the purposes of a government department.

Marginal Citations

M2 1980 c. 9.

275 Exemption on grounds of national security.

- (1) Section 273 (application of Act to Crown employment) does not apply to employment in respect of which there is in force a certificate issued by or on behalf of a Minister of the Crown certifying that employment of a description specified in the certificate, or the employment of a particular person so specified, is (or, at a time specified in the certificate, was) required to be excepted from that section for the purpose of safeguarding national security.
- (2) A document purporting to be such a certificate shall, unless the contrary is proved, be deemed to be such a certificate.

Status: Point in time view as at 16/10/1992.

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276 Further provision as to Crown application.

- (1) Section 138 (refusal of service of employment agency on grounds related to union membership), and the other provisions of Part III applying in relation to that section, bind the Crown so far as they relate to the activities of an employment agency in relation to employment to which those provisions apply.

This does not affect the operation of those provisions in relation to Crown employment by virtue of section 273.

- (2) Sections 144 and 145 (prohibition of union membership requirements) and sections 186 and 187 (prohibition of union recognition requirements) bind the Crown.

Status:

Point in time view as at 16/10/1992.

Changes to legislation:

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