



Trade Union and Labour Relations (Consolidation) Act 1992

1992 CHAPTER 52

PART VII

MISCELLANEOUS AND GENERAL

House of Lords and House of Commons staff

277 House of Lords staff

- (1) Sections 137 to 143 (rights in relation to trade union membership: access to employment) apply in relation to employment as a relevant member of the House of Lords staff as in relation to other employment.
- (2) Nothing in any rule of law or the law or practice of Parliament prevents a person from bringing before an industrial tribunal proceedings of any description under those sections which could be brought before such a tribunal in relation to other employment.
- (3) A “relevant member of the House of Lords staff” means a member of the House of Lords staff appointed by the Clerk of the Parliaments or the Gentleman Usher of the Black Rod.
- (4) In relation to employment as such a member references to employment include employment otherwise than under a contract if the terms of that employment correspond to those of a contract of employment; and related expressions shall be construed accordingly.
- (5) For the purposes of sections 137 to 143 the holder for the time being of the office of Clerk of the Parliaments or Gentleman Usher of the Black Rod is the employer in relation to employment to which a person is appointed by the holder of that office; and anything done, before or after he took office, in relation to a person seeking such employment shall be treated as done by him.

Status: This is the original version (as it was originally enacted).

- (6) If the House of Lords resolves at any time that any provision of subsection (3) or (5) should be amended in its application to any employment as a member of the staff of that House, Her Majesty may by Order in Council amend that provision accordingly.

Any such Order—

- (a) may contain such incidental, supplementary or transitional provisions as appear to Her Majesty to be appropriate, and
- (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

278 House of Commons staff

- (1) The provisions of this Act (except those specified below) apply in relation to employment as a relevant member of the House of Commons staff as in relation to other employment.
- (2) The following provisions are excepted from subsection (1)—
 - 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 “relevant member of the House of Commons staff” has the same meaning as in section 139 of the Employment Protection (Consolidation) Act 1978.
- (4) For the purposes of the other provisions of this Act as they apply by virtue of this section—
 - (a) “employee” and “contract of employment” include a relevant member of the House of Commons staff and the terms of employment of any such member (but subject to subsection (5) below);
 - (b) “dismissal” includes the termination of any such member’s employment;
 - (c) 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 or, if the case so requires, the interests of the House of Commons; and
 - (d) any other reference to an undertaking shall be construed as a reference to the House of Commons.
- (5) Sections 137 to 143 (access to employment) apply by virtue of this section in relation to employment otherwise than under a contract only where the terms of employment correspond to those of a contract of employment.
- (6) Subsections (4) to (9) of section 139 of the Employment Protection (Consolidation) Act 1978 (person to be treated as employer of House of Commons staff) apply, with any necessary modifications, for the purposes of this section.