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SCHEDULES

SCHEDULE 2

Section 300(2).

CONSEQUENTIAL AMENDMENTS

Extent Information

E1 See s.301(2)(f)

Parliamentary Commissioner Act 1967 (c.13)

- 1 Schedule 2 to the Parliamentary Commissioner Act 1967 (departments and authorities subject to investigation) shall continue to have effect with the following entry (originally inserted by paragraph 12 of Schedule 1 to the ^{M1}Employment Act 1988)—

“Office of the Commissioner for the Rights of Trade Union Members”.

Marginal Citations

M1 1988 c. 19.

Transport Act 1968 (c.73)

- 2 In section 63(6) of the Transport Act 1968 (objections to grant of HGV operators' licences: definitions), in the definition of “trade union” for “the Trade Union Act 1913” substitute “ the Trade Union and Labour Relations (Consolidation) Act 1992 ”.

Equal Pay Act 1970 (c.41)

- 3 (1) The Equal Pay Act 1970 is amended as follows.
- (2) In section 1 (requirement of equal treatment for men and women), after subsection (10) insert—
- “(10A) This section applies in relation to service as a relevant member of the House of Commons staff as in relation to service for the purposes of a Minister of the Crown or government department, and accordingly applies as if references to a contract of employment included references to the terms of service of such a member.

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In this subsection “relevant member of the House of Commons staff” has the same meaning as in section 139 of the Employment Protection (Consolidation) Act 1978; and subsections (4) to (9) of that section (person to be treated as employer of House of Commons staff) apply, with any necessary modifications, for the purposes of this section.”.

- (3) Sections 5 and 7 (reference of questions as to agricultural wages orders or service pay) shall continue to have effect with the amendments originally made by paragraph 13(2) and (3) of Part IV of Schedule 16 to the ^{M2}Employment Protection Act 1975, substituting the words “ Central Arbitration Committee ” and “ Committee ” for references to the former Industrial Arbitration Board.

Marginal Citations

M2 1975 c. 71.

House of Commons Disqualification Act 1975 (c.24)

- 4 (1) The House of Commons Disqualification Act 1975 is amended as follows.
- (2) Part II of Schedule 1 (bodies of which all members are disqualified under that Act) shall continue to have effect with the following entries (originally inserted by paragraph 16(2) of Part IV of Schedule 16 to the Employment Protection Act 1975)

—
 “The Central Arbitration Committee.”

“The Council of the Advisory, Conciliation and Arbitration Service.”

“The Employment Appeal Tribunal.”.

- (3) In Part III of Schedule 1 (other disqualifying offices), for the entry inserted by paragraph 16(3) of Part IV of Schedule 16 to the Employment Protection Act 1975 substitute—

“Certification Officer or any assistant certification officer.”.

- (4) That Part shall also continue to have effect with the following entry (originally inserted by paragraph 13 of Schedule 1 to the ^{M3}Employment Act 1988)—

“Commissioner for the Rights of Trade Union Members.”; and Part III of Schedule 1 to the

^{M4}

Northern Ireland Assembly Disqualification Act 1975 shall continue to have effect with a corresponding entry.

Marginal Citations

M3 1988 c. 19.

M4 1975 c. 25.

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Social Security Pensions Act 1975 (c.60)

F15

Textual Amendments

F1 Sch. 2 para. 5 repealed (7.2.1994) by 1993 c. 48, s. 188, Sch. 5 Pt.I (with s. 43(3)); S.I. 1994/86, art. 2

Sex Discrimination Act 1975 (c.65)

6 In Part VIII of the Sex Discrimination Act 1975 (supplementary provisions), after section 85 (application to Crown) insert—

“85A Application to House of Commons staff.

- (1) Parts II and IV apply to an act done by an employer of a relevant member of the House of Commons staff, and to service as such a member, as they apply to an act done by and to service for the purposes of a Minister of the Crown or government department, and accordingly apply as if references to a contract of employment included references to the terms of service of such a member.
- (2) 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; and subsections (4) to (9) of that section (person to be treated as employer of House of Commons staff) apply, with any necessary modifications, for the purposes of Parts II and IV as they apply by virtue of this section.”.

Race Relations Discrimination Act 1976 (c.74)

7 In Part X of the Race Relations Act 1976 (supplementary provisions), after section 75 (application to Crown) insert—

“75A Application to House of Commons staff.

- (1) Parts II and IV apply to an act done by an employer of a relevant member of the House of Commons staff, and to service as such a member, as they apply to an act done by and to service for the purposes of a Minister of the Crown or government department, and accordingly apply as if references to a contract of employment included references to the terms of service of such a member.
- (2) 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; and subsections (4) to (9) of that section (person to be treated as employer of House of Commons staff) apply, with any necessary modifications, for the purposes of Parts II and IV as they apply by virtue of this section.”.

Aircraft and Shipbuilding Industries Act 1977 (c.3)

8 (1) The Aircraft and Shipbuilding Industries Act 1977 is amended as follows.

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- (2) In section 6 (machinery for settling terms and conditions of employment), in subsection (2)(b) (resolution of trade disputes) for “within the meaning of the Employment Protection Act 1975” substitute “ within the meaning of Part IV of the Trade Union and Labour Relations (Consolidation) Act 1992 ”.
- (3) In section 56(1) (interpretation), in the definition of “relevant trade union”—
- (a) for “as defined in section 30(1) of the Trade Union and Labour Relations Act 1974” substitute “ within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 ”, and
 - (b) for “as defined by section 126(1) of the Employment Protection Act 1975” substitute “ within the meaning of that Act ”.

Patents Act 1977 (c.37)

- 9 In section 40 of the Patents Act 1977 (compensation for employees for certain inventions), in subsection (6) in the definition of “relevant collective agreement” for “the Trade Union and Labour Relations Act 1974” substitute “ the Trade Union and Labour Relations (Consolidation) Act 1992 ”.

House of Commons (Administration) Act 1978 (c.36)

- 10 In Schedule 1 to the House of Commons (Administration) Act 1978 (the House of Commons Commission), in paragraph 5 (delegation of functions) for sub-paragraph (6) substitute—
- “(6) In sub-paragraph (5) “trade union”, and “recognised” in relation to a trade union, have the same meaning as in the Trade Union and Labour Relations (Consolidation) Act 1992.”.

Employment Protection (Consolidation) Act 1978 (c.44)

- 11 In section 29 of the Employment Protection (Consolidation) Act 1978 (time off for public duties), in subsection (4)(b) (regard to be had to time off permitted under other provisions), for “sections 27 and 28” substitute “ sections 168 and 170 of the Trade Union and Labour Relations (Consolidation) Act 1992 (time off for trade union duties and activities) ”.
- 12 In section 30 of the Employment Protection (Consolidation) Act 1978 (supplementary provisions as to tribunal proceedings)—
- (a) in subsection (1), for paragraphs (a) and (b) substitute “ a complaint under section 29 that an employer has failed to permit an employee to take time off ”;
 - (b) in subsection (2) for “any complaint mentioned in subsection (1)(a)” substitute “ such a complaint ”; and
 - (c) omit subsection (3).
- 13 For section 32 of the Employment Protection (Consolidation) Act 1978 (provisions supplementary to ss.27 to 31A) substitute—

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“32 Meaning of “working hours”.

For the purposes of sections 29 to 31A the working hours of an employee shall be taken to be any time when in accordance with his contract of employment he is required to be at work.”.

- 14 In section 57 of the Employment Protection (Consolidation) Act 1978 (general provisions as to fairness of dismissal), in subsection (3) for “subject to sections 58 to 62” substitute “ subject to sections 59 to 61, and to sections 152, 153 and 238 of the Trade Union and Labour Relations (Consolidation) Act 1992 (provisions as to dismissal on ground of trade union membership or activities or in connection with industrial action), ”.

F215

Textual Amendments

F2 Sch. 2 para. 15 repealed (30.8.1993) by 1993 c. 19, s. 51, Sch.10; S.I. 1993/1908, art. 2(1), Sch.1

- 16 For section 72 of the Employment Protection (Consolidation) Act 1978 (compensation for unfair dismissal) substitute—

“72 Compensation for unfair dismissal.

Where a tribunal makes an award of compensation for unfair dismissal under section 68(2) or 71(2)(a) the award shall consist of—

- (a) a basic award calculated in accordance with section 73, and
- (b) a compensatory award calculated in accordance with section 74.”.

- 17 In section 73 of the Employment Protection (Consolidation) Act 1978 (calculation of basic award), for subsection (7C) substitute—

“(7C) Subsection (7B) does not apply where the reason or principal reason for the dismissal was that the employee was redundant.”.

- 18 (1) Section 122 of the Employment Protection (Consolidation) Act 1978 (employee’s rights on insolvency of employer) is amended as follows.

(2) In subsection (2)(a) for “section 101 of the Employment Protection Act 1975” substitute “ section 189 of the Trade Union and Labour Relations (Consolidation) Act 1992 ”.

(3) In subsection (4)—

- (a) in paragraph (c) for “section 27(3) or 31(3) or 31A(4)” substitute “ section 31(3) or 31A(4) or under section 169 of the Trade Union and Labour Relations (Consolidation) Act 1992 ”; and
- (b) in paragraph (d) for “section 101 of the Employment Protection Act 1975” substitute “ section 189 of that Act ”.

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- 19 In section 132(1) of the Employment Protection (Consolidation) Act 1978 (recoupment of unemployment benefit or income support: payments to which the section applies)—
- (a) in paragraph (b) omit “or in pursuance of an award under section 103 of the Employment Protection Act 1975”,
 - (b) after that paragraph insert—
 - “(bb) payments by employers to employees under sections 146 to 151 or 168 to 173 of the Trade Union and Labour Relations (Consolidation) Act 1992, or in pursuance of an award under section 192 of that Act;”,
 - (c) in paragraph (c) after “mentioned in paragraph (b)” insert “ or (bb) ”, and
 - (d) in the closing words, for “section 101 of the said Act of 1975” substitute “ section 189 of the Trade Union and Labour Relations (Consolidation) Act 1992 ”.
- 20 In section 135 of the Employment Protection (Consolidation) Act 1978 (constitution of Employment Appeal Tribunal), in subsection (3) (representatives of employers and workers) for “the Trade Union and Labour Relations Act 1974” substitute “ the Trade Union and Labour Relations (Consolidation) Act 1992 ”.
- 21 (1) Section 153 of the Employment Protection (Consolidation) Act 1978 (interpretation) is amended as follows.
- (2) In subsection (1) (general definitions)—
- (a) in the definition of “collective agreement”, for “section 30(1) of the Trade Union and Labour Relations Act 1974” substitute “ section 178(1) and (2) of the Trade Union and Labour Relations (Consolidation) Act 1992 ”;
 - (b) in the definition of “employers’ association”, for “the Trade Union and Labour Relations Act 1974” substitute “ the Trade Union and Labour Relations (Consolidation) Act 1992 ”;
 - (c) in the definition of “official”, for “the meaning given by section 30(1) of the Trade Union and Labour Relations Act 1974” substitute “ the same meaning as in the Trade Union and Labour Relations (Consolidation) Act 1992 ”;
 - (d) for the definition of “successor” substitute—

““successor”, in relation to the employer of an employee, means (subject to subsection (4A) below) a person who in consequence of a change occurring (whether by virtue of a sale or other disposition or by operation of law) in the ownership of the undertaking or of part of the undertaking for the purposes of which the employee was employed, has become the owner of the undertaking or of that part of it, as the case may be;”;
 - (e) in the definition of “trade dispute” for “section 29 of the said Act of 1974” substitute “ section 244 of the Trade Union and Labour Relations (Consolidation) Act 1992 ”;
 - (f) in the definition of “trade union” for “section 28 of the said Act of 1974” substitute “ section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992 ”.

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(3) After subsection (4) insert—

“(4A) The definition of “successor” in subsection (1) above has effect (subject to the necessary modifications) in relation to a case where—

- (a) the person by whom an undertaking or part of an undertaking is owned immediately before a change is one of the persons by whom (whether as partners, trustees or otherwise) it is owned immediately after the change, or
 - (b) the persons by whom an undertaking or part of an undertaking is owned immediately before a change (whether as partners, trustees or otherwise) include the persons by whom, or include one or more of the persons by whom, it is owned immediately after the change,
- as it has effect where the previous owner and the new owner are wholly different persons.”.

22 In Part I of Schedule 2 to the Employment Protection (Consolidation) Act 1978 (supplementary provisions as to maternity: unfair dismissal), in paragraph 2(1), in the substituted subsection (3) for the words from “subject to sections 58(1)” to “62” substitute “ subject to sections 59 to 61, and to sections 152, 153 and 238 of the Trade Union and Labour Relations (Consolidation) Act 1992 (provisions as to dismissal on ground of trade union membership or activities or in connection with industrial action), ”.

23 In Schedule 3 to the Employment Protection (Consolidation) Act 1978 (rights of employee in period of notice), in paragraph 5 (leave of absence) for “section 27, 28, 29, 31 or 31A” substitute “ section 29, 31 or 31A of this Act or section 168 or 170 of the Trade Union and Labour Relations (Consolidation) Act 1992 ”.

24 (1) Schedule 9 to the Employment Protection (Consolidation) Act 1978 (general provisions as to industrial tribunals) is amended as follows.

(2) In paragraph 2(1) (dismissal of complaint where action taken for purpose of safeguarding national security), for “under section 24 or 67” substitute—

“under—

- (a) section 146 of the Trade Union and Labour Relations (Consolidation) Act 1992 (action short of dismissal on grounds related to union membership or activities), or
- (b) section 67 of this Act (unfair dismissal),”.

^{F3}(3)

Textual Amendments

F3 Sch. 2 para. 24(3) repealed (30.11.1993) by 1993 c. 19, s. 51, Sch.10; S.I. 1993/2503, art. 2(2), Sch.2

25 In Schedule 11 to the Employment Protection (Consolidation) Act 1978 (general provisions as to Employment Appeal Tribunal)—

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- (a) in paragraph 18 (particular matters with respect to which rules may be made), in paragraphs (aa) and (d), and
- (b) in paragraph 21A (enforcement of awards), in sub-paragraphs (1) and (3), for “section 5 of the Employment Act 1980 or section 5 of the Employment Act 1988” substitute “ section 67 or 176 of the Trade Union and Labour Relations (Consolidation) Act 1992 ”.

Crown Agents Act 1979 (c.43)

- 26 In Schedule 1 to the Crown Agents Act 1979 (supplementary provisions as to Crown Agents), in paragraph 15 (machinery for settling terms and conditions of employment), in sub-paragraph (2)(b) (resolution of trade disputes) for “within the meaning of the Employment Protection Act 1975” substitute “ within the meaning of Part IV of the Trade Union and Labour Relations (Consolidation) Act 1992 ”.

Agricultural Training Board Act 1982 (c.9)

- 27 In section 12 of the Agricultural Training Board Act 1982 (short title, extent and commencement), before subsection (2) (extent) insert—
- “(1A) Section 287(2) of the Trade Union and Labour Relations (Consolidation) Act 1992 (power to extend provisions to offshore employment) applies to the provisions of this Act as to the provisions of that Act.”;
- and in subsection (2) after “This Act” insert “ , except subsection (1A) above, ”.

Industrial Training Act 1982 (c.10)

- 28 In section 21 of the Industrial Training Act 1982 (short title, extent and commencement), before subsection (2) (extent) insert—
- “(1A) Section 287(2) of the Trade Union and Labour Relations (Consolidation) Act 1992 (power to extend provisions to offshore employment) applies to the provisions of this Act as to the provisions of that Act.”;
- and in subsection (2) for “Paragraph 4 of Schedule 3 to this Act extends” substitute “ Subsection (1A) above and paragraph 4 of Schedule 3 extend ”.

Oil and Gas (Enterprise) Act 1982 (c.23)

- 29 (1) Schedule 3 to the Oil and Gas (Enterprise) Act 1982 (consequential amendments) is amended as follows.
- (2) For paragraph 40 substitute—
- “40 (1) Section 137 of the Employment Protection (Consolidation) Act 1978 (power to extend employment legislation) is amended as follows.
- (2) For subsection (2) substitute—

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- (") This section applies to employment for the purposes of—
- (a) any activities in the territorial waters of the United Kingdom, and
 - (b) any such activities as are mentioned in section 23(2) of the Oil and Gas (Enterprise Act) 1982 in waters within subsection (6)(b) or (c) of that section."

- (3) After paragraph 44 add—

Trade Union and Labour Relations (Consolidation) Act 1992 (c.52)

“45 (1) Section 287 of the Trade Union and Labour Relations (Consolidation) Act 1992 (offshore employment) is amended as follows.

- (2) For subsection (1) substitute—

- (") In this Act “offshore employment” means employment for the purposes of—
- (a) any activities in the territorial waters of the United Kingdom, and
 - (b) any such activities as are mentioned in section 23(2) of the Oil and Gas (Enterprise Act) 1982 in waters within subsection (6)(b) or (c) of that section."

- (3) Omit subsection (5).”.

- (4) The paragraph inserted by sub-paragraph (3) above is subject to section 38(2) of the Oil and Gas (Enterprise) Act 1982 (power to bring provisions into force by order).

Employment Act 1982 (c.46)

- 30 In section 21 of the Employment Act 1982 (interpretation, &c.), for subsection (1) substitute—

“(1) In this Act “the 1978 Act” means the Employment Protection (Consolidation) Act 1978.”.

Insurance Companies Act 1982 (c.50)

- 31 In section 2(2) of the Insurance Companies Act 1982 (exceptions from requirement of authorisation under that Act), and in section 15(3) of that Act (exceptions from regulatory provisions), for “assigned to them by section 28 of the Trade Union and Labour Relations Act 1974” substitute “ respectively assigned by section 1 and section 122(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 ”.

Value Added Tax Act 1983 (c.55)

- 32 In Schedule 6 to the Value Added Tax Act 1983 (exemptions), in Note (2) to Group 9 (trade unions and professional bodies) for “section 28(1) of the Trade Union and Labour Relations Act 1974” substitute “ section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992 ”.

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Insolvency Act 1986 (c.45)

- 33 In Schedule 6 to the Insolvency Act 1986 (preferential debts), in paragraph 13(2) (sums treated as remuneration)—
- (a) in paragraph (c) for the words from “section 27(3)” to “of that Act” substitute “section 31(3) or 31A(4) of that Act (looking for work, etc.; ante-natal care) or under section 169 of the Trade Union and Labour Relations (Consolidation) Act 1992 (trade union duties)”; and
 - (b) in paragraph (d) for “section 101 of the Employment Protection Act 1975” substitute “section 189 of the latter Act”.

Wages Act 1986 (c.48)

- 34 (1) The Wages Act 1986 is amended as follows.
- (2) In section 7(1) (meaning of “wages”)—
- (a) in paragraph (c) for “section 77 of that Act” substitute “section 164 of the Trade Union and Labour Relations (Consolidation) Act 1992”; and
 - (b) in paragraph (d) for “that Act” substitute “the Employment Protection (Consolidation) Act 1978”.

^{F4}(3)

Textual Amendments

F4 Sch. 2 para. 34(3) repealed (30.8.1993) by 1993 c. 19, s. 51, **Sch.10**; S.I. 1993/1908, art. 2(1), **Sch.1**

Building Societies Act 1986 (c.53)

- 35 In section 7(4)(c)(iii) of the Building Societies Act 1986 (shares held and deposits made by or on behalf of trade union) for “Trade Union and Labour Relations Act 1974” substitute “Trade Union and Labour Relations (Consolidation) Act 1992”.

Sex Discrimination Act 1986 (c.59)

- 36 In section 6 of the Sex Discrimination Act 1986 (application of provisions to collective agreements), in subsection (6) (meaning of “collective agreement”) for the words from “section 29(1)” to “trade dispute)” substitute “section 178(2) of the Trade Union and Labour Relations (Consolidation) Act 1992”.

Income and Corporation Taxes Act 1988 (c.1)

- 37 In section 467 of the Income and Corporation Taxes Act 1988 (exemption for trade unions and employers’ associations), in subsection (4)—
- (a) in paragraph (a), for “section 8 of the Trade Union and Labour Relations Act 1974” substitute “section 2 of the Trade Union and Labour Relations (Consolidation) Act 1992”, and

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- (b) in paragraph (b) for “section 8 of the Trade Union and Labour Relations Act 1974” substitute “ section 123 of the Trade Union and Labour Relations (Consolidation) Act 1992 ”.

Local Government Act 1988 (c.9)

- 38 In section 17 of the Local Government Act 1988 (local and other public authority contracts: exclusion of non-commercial considerations), in subsection (8)—
- (a) in the definition of “industrial dispute”, for “the Trade Union and Labour Relations Act 1974” substitute “ Part V of the Trade Union and Labour Relations (Consolidation) Act 1992 ”, and
 - (b) in the closing words, for “Trade Union and Labour Relations Act 1974” substitute “ Trade Union and Labour Relations (Consolidation) Act 1992 ”.

Local Government and Housing Act 1989 (c.42)

- 39 (1) In section 12 of the Local Government and Housing Act 1989 (conflict of interest in staff negotiations), subsection (2) (definitions) is amended as follows.
- (2) For the definition of “member” substitute—
- ““member”, in relation to a trade union consisting wholly or partly of, or of representatives of, constituent or affiliated organisations, includes a member of any of its constituent or affiliated trade unions;”.
- (3) In the definition of “official” and “trade union” for “the Trade Union and Labour Relations Act 1974” substitute “ the Trade Union and Labour Relations (Consolidation) Act 1992 ”.

Industrial Relations (Northern Ireland) Order 1992 (S.I. 1992 No. 807 (N.I. 5))

- 40 (1) The Industrial Relations (Northern Ireland) Order 1992 is amended as follows.
- (2) In Article 5 (lists of trade unions and employers’ associations)—
- (a) in paragraph (5)(a) for “either list maintained under section 8 of the Trade Union and Labour Relations Act 1974” substitute “ the list of trade unions or the list of employers’ associations kept under the Trade Union and Labour Relations (Consolidation) Act 1992 ”;
 - (b) in paragraph (11) for “or employers’ associations maintained under section 8 of the Trade Union and Labour Relations Act 1974” substitute “ or the list of employers’ associations kept under the Trade Union and Labour Relations (Consolidation) Act 1992 ” and for “subsection (10) of that section” substitute “ section 2(5) or 123(5) of that Act ”.
- (3) In Article 6 (certification as independent trade union), in paragraphs (12) and (13) for “section 8 of the Employment Protection Act 1975” substitute “ section 6 of the Trade Union and Labour Relations (Consolidation) Act 1992 ”.
- (4) In Article 12 (returns by trade unions and employers’ associations outside Northern Ireland), in paragraph (1) for “section 11 of the Trade Union and Labour Relations Act 1974” substitute “ section 32 of the Trade Union and Labour Relations (Consolidation) Act 1992 ” and for “subsection (2)” substitute “ subsection (1) ”.

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- (5) In Article 44 (ballots authorising or endorsing industrial action), in paragraph (1)(b) for “section 10(1) of the Trade Union Act 1984” substitute “ section 226(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 ”.
- (6) In Article 46 (interpretation), in paragraph (1), in the definition of “offshore worker” for “section 127 of the Employment Protection Act 1975” substitute “ section 287 of the Trade Union and Labour Relations (Consolidation) Act 1992 ”.
- (7) In Article 65 (collection of union dues by employer), in paragraph (6)(a) for “the Trade Union Act 1913” substitute “ Chapter VI of Part I of the Trade Union and Labour Relations (Consolidation) Act 1992 ”.
- (8) In Article 67 (relationship of Part VIII with law in Great Britain)—
 - (a) omit paragraph (2);
 - (b) in paragraph (3) for “any such trade union” substitute “ a trade union having its head or main office outside Northern Ireland ” and for “section 3 of the Trade Union Act 1913” substitute “ section 71(1)(b) of the Trade Union and Labour Relations (Consolidation) Act 1992 ”;
 - (c) in paragraph (4) for “the Trade Union Act 1913” substitute “ Chapter VI of Part I of the Trade Union and Labour Relations (Consolidation) Act 1992 ”.
- (9) In Article 81 (interpretation), in paragraph (4) for “Trade Union and Labour Relations Act 1974” substitute “ Trade Union and Labour Relations (Consolidation) Act 1992 ” and for “section 8” substitute “ section 2 ”.

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