

*Status: Point in time view as at 16/10/1992.*

**Changes to legislation:** Trade Union and Labour Relations (Consolidation) Act 1992, SCHEDULE 3 is up to date with all changes known to be in force on or before 08 June 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)

## SCHEDULES

### SCHEDULE 3

Section 300(3).

#### TRANSITIONAL PROVISIONS AND SAVINGS

##### Extent Information

**E1** See s.301(2)(f)

##### *Continuity of the law*

- 1 (1) The repeal and re-enactment of provisions in this Act does not affect the continuity of the law.
- (2) Anything done (including subordinate legislation made), or having effect as done, under a provision reproduced in this Act has effect as if done under the corresponding provision of this Act.
- (3) References (express or implied) in this Act or any other enactment, instrument or document to a provision of this Act shall, so far as the context permits, be construed as including, in relation to times, circumstances and purposes before the commencement of this Act, a reference to corresponding earlier provisions.
- (4) A reference (express or implied) in any enactment, instrument or other document to a provision reproduced in this Act shall be construed, so far as is required for continuing its effect, and subject to any express amendment made by this Act, as being, or as the case may require including, a reference to the corresponding provision of this Act.

##### *General saving for old transitional provisions and savings*

- 2 (1) The repeal by this Act of a transitional provision or saving relating to the coming into force of a provision reproduced in this Act does not affect the operation of the transitional provision or saving, in so far as it is not specifically reproduced in this Act but remains capable of having effect in relation to the corresponding provision of this Act.
- (2) The repeal by this Act of an enactment previously repealed subject to savings does not affect the continued operation of those savings.
- (3) The repeal by this Act of a saving on the previous repeal of an enactment does not affect the operation of the saving in so far as it is not specifically reproduced in this Act but remains capable of having effect.

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### *Effect of repeal of 1946 Act*

- 3 The repeal by this Act of the <sup>M1</sup>Trade Disputes and Trade Unions Act 1946 shall not be construed as reviving in any respect the effect of the <sup>M2</sup>Trade Disputes and Trade Unions Act 1927.

#### **Marginal Citations**

- M1** 1946 c. 52.  
**M2** 1927 c. 22.

### *Pre-1974 references to registered trade unions or employers' associations*

- 4 (1) Any reference in an enactment passed, or instrument made under an enactment, before 16th September 1974—
- (a) to a trade union or employers' association registered under—
    - (i) the Trade Union Acts 1871 to 1964, or
    - (ii) the <sup>M3</sup>Industrial Relations Act 1971, or
  - (b) to an organisation of workers or an organisation of employers within the meaning of the Industrial Relations Act 1971,
- shall be construed as a reference to a trade union or employers' association within the meaning of this Act.
- (2) Subsection (1) does not apply to any enactment relating to income tax or corporation tax.

#### **Marginal Citations**

- M3** 1971 c. 72.

### *Enforceability of collective agreements*

- 5 Section 179 of this Act (enforceability of collective agreements) does not apply to a collective agreement made on or after 1st December 1971 and before 16th September 1974.

### *Trade unions and employers' associations ceasing to be incorporated by virtue of 1974 Act*

- 6 (1) The repeal by this Act of section 19 of the <sup>M4</sup>Trade Union and Labour Relations Act 1974 (transitional provisions for trade unions and employers' associations ceasing to be incorporated) does not affect—
- (a) the title to property which by virtue of that section vested on 16th September 1974 in "the appropriate trustees" as defined by that section, or
  - (b) any liability, obligation or right affecting such property which by virtue of that section became a liability, obligation or right of those trustees.
- (2) A certificate given by the persons who on that date were the president and general secretary of a trade union or employers' association, or occupied positions equivalent to that of president and general secretary, that the persons named in the certificate are the appropriate trustees of the union or association for the purposes of section 19(2)

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of the Trade Union and Labour Relations Act 1974 is conclusive evidence that those persons were the appropriate trustees for those purposes.

- (3) A document which purports to be such a certificate shall be taken to be such a certificate unless the contrary is proved.

**Marginal Citations**

**M4** 1974 c. 52.

*References to former Industrial Arbitration Board*

- 7 Any reference to the former Industrial Arbitration Board in relation to which section 10(2) of the <sup>M5</sup>Employment Protection Act 1975 applied immediately before the commencement of this Act shall continue to be construed as a reference to the Central Arbitration Committee.

**Marginal Citations**

**M5** 1975 c. 71.

*Effect of political resolution passed before 1984 amendments*

- 8 A resolution under section 3 of the <sup>M6</sup>Trade Union Act 1913, or rule made for the purposes of that section, in relation to which section 17(2) of the <sup>M7</sup>Trade Union Act 1984 applied immediately before the commencement of this Act shall continue to have effect as if for any reference to the political objects to which section 3 of the 1913 Act formerly applied there were substituted a reference to the objects to which that section applied as amended by the 1984 Act.

**Marginal Citations**

**M6** 1913 c. 30.

**M7** 1984 c. 49.

*Persons elected to trade union office before 1988 amendments*

- 9 (1) In relation to a person who was, within the period of five years ending with 25th July 1989, elected to a position to which the requirements of section 1 of the Trade Union Act 1984 were extended by virtue of section 12(1) of the Employment Act 1988—
- (a) the references in section 46(1)(a) and 58(2)(a) to satisfying the requirements of Chapter IV of Part I shall be disregarded, and
  - (b) the period of five years mentioned in section 46(1)(b) shall be calculated from the date of that election.
- (2) Sub-paragraph (1) does not apply if the only persons entitled to vote in the election were themselves persons holding positions to which Chapter IV of Part I would have applied had that Chapter been in force at the time.

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- 10 In relation to a person who was elected to a position to which Chapter IV of Part I applies before 26th July 1989, the reference in section 58(2)(a) (exemption of persons nearing retirement) to satisfying the requirements of that Chapter—
- (a) shall not be construed as requiring compliance with any provision corresponding to a provision of section 13 or 15 of the <sup>M8</sup>Employment Act 1988 (additional requirements as to elections) which was not then in force, and
  - (b) in relation to an election before the commencement of section 14(2) of that Act (postal ballots) shall be construed as requiring compliance with section 3 of the Trade Union Act 1984 (non-postal ballots).

**Marginal Citations**

**M8** 1988 c. 19.

*Qualification to act as auditor of trade union or employers' association*

- 11 (1) Nothing in section 34 (eligibility for appointment as auditor) affects the validity of any appointment as auditor of a trade union or employers' association made before 1st October 1991 (when section 389 of the <sup>M9</sup>Companies Act 1985 was repealed and replaced by the provisions of Part II of the <sup>M10</sup>Companies Act 1989).
- (2) A person who is not qualified as mentioned in section 34(1) may act as auditor of a trade union in respect of an accounting period if—
- (a) the union was registered under the Trade Union Acts 1871 to 1964 on 30th September 1971,
  - (b) he acted as its auditor in respect of the last period in relation to which it was required to make an annual return under section 16 of the <sup>M11</sup>Trade Union Act 1871,
  - (c) he has acted as its auditor in respect of every accounting period since that period, and
  - (d) he retains an authorisation formerly granted by the Board of Trade or the Secretary of State under section 16(1)(b) of the <sup>M12</sup>Companies Act 1948 (adequate knowledge and experience, or pre-1947 practice).

**Marginal Citations**

**M9** 1985 c. 6.

**M10** 1989 c. 40.

**M11** 1871 c. 31.

**M12** 1948 c. 38.

*Industrial Relations (Northern Ireland) Order 1992 (S.I. 1992/807 (N.I. 5))*

- 12 (1) The following provisions have effect only if, or to the extent that, the relevant provisions of the Industrial Relations (Northern Ireland) Order 1992 (“the 1992 Order”) are not in force when this Act comes into force; and they shall cease to have effect when those provisions come into force.

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- (2) If the repeal by the 1992 Order of the enactments relating to the registration of trade unions and unincorporated employers' associations is not in force, then, in Part I of this Act, for section 120 (Northern Ireland unions) substitute—

**“120 Northern Ireland trade unions.**

- (1) In this Part a “Northern Ireland union” means a trade union within the meaning of the enactments relating to trade unions in Northern Ireland—

- (a) which is, or for the purpose of any of those enactments is deemed to be, registered in Northern Ireland, or  
(b) whose principal office is situated in Northern Ireland.

- (2) The “enactments relating to trade unions in Northern Ireland” means the Trade Union Acts 1871 to 1965, as for the time being in force in Northern Ireland, and any Northern Ireland legislation (whenever passed or made) by which those Acts or any provisions of them are amended or superseded.”.

- (3) If the provisions of Part X of the 1992 Order (amalgamations, etc.) are not in force, then, in section 9 of the<sup>M13</sup>Trade Union (Amalgamations, &c.) Act (Northern Ireland) Act 1965 (application of Act to amalgamation or transfer of engagements involving Great Britain union), for subsection (2) substitute—

“(2) In this Act “Great Britain union” means a trade union or employers' association within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992—

- (a) whose name is entered in the list of trade unions or employers' associations under that Act, or  
(b) which has its principal office in Great Britain.”.

- (4) If the repeal by the 1992 Order of any of the following enactments is not in force, nothing in Schedule 1 shall be construed as affecting the application of that enactment as part of the law of Northern Ireland—

- (a) the<sup>M14</sup>Friendly Societies Act 1896;  
(b) the<sup>M15</sup>Trade Union Act 1913 as it applies in relation to a trade union or unincorporated employers' association which has its head or main office in Northern Ireland;  
(c) the<sup>M16</sup>Industrial Courts Act 1919.

**Marginal Citations**

- M13** 1965 c. 2 (N.I.).  
**M14** 1896 c. 25.  
**M15** 1913 c. 30.  
**M16** 1919 c. 69.

*Use of existing forms, &c.*

- 13 Any document made, served or issued on or after the commencement of this Act which contains a reference to an enactment repealed by this Act shall be construed, except so far as a contrary intention appears, as referring or, as the context may require, including a reference to the corresponding provision of this Act.

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*Saving for power to vary or revoke*

- 14 The power of the Secretary of State by further order to vary or revoke the <sup>M17</sup>Funds for Trade Union Ballots Order 1982 extends to so much of section 115(2)(a) as reproduces the effect of Article 2 of that order.

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**Marginal Citations**

**M17** [S.I. 1982/953](#).

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