



Trade Union and Labour Relations (Consolidation) Act 1992

1992 CHAPTER 52

PART III

RIGHTS IN RELATION TO UNION MEMBERSHIP AND ACTIVITIES

[^{F1}Right to membership of trade union]

[^{F1}176 Remedies.

- (1) Where the [^{F2}employment tribunal] finds a complaint under section 174 is well-founded, it shall make a declaration to that effect.
- (2) An individual whose complaint has been declared to be well-founded may make an application for an award of compensation to be paid to him by the union.

The application shall be made to an [^{F2}industrial tribunal] if when it is made the applicant has been admitted or re-admitted to the union, and otherwise to the Employment Appeal Tribunal.

- (3) The application shall not be entertained if made—
 - (a) before the end of the period of four weeks beginning with the date of the declaration, or
 - (b) after the end of the period of six months beginning with that date.
- (4) The amount of compensation awarded shall, subject to the following provisions, be such as the [^{F2}employment tribunal] or the Employment Appeal Tribunal considers just and equitable in all the circumstances.
- (5) Where the [^{F2}employment tribunal] or Employment Appeal Tribunal finds that the exclusion or expulsion complained of was to any extent caused or contributed to by the action of the applicant, it shall reduce the amount of the compensation by such proportion as it considers just and equitable having regard to that finding.

Status: Point in time view as at 01/02/2000. This version of this provision has been superseded.

Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Section 176 is up to date with all changes known to be in force on or before 30 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)

- (6) The amount of compensation calculated in accordance with subsections (4) and (5) shall not exceed the aggregate of—
- (a) an amount equal to thirty times the limit for the time being imposed by [^{F3}section 227(1)(a) of the Employment Rights Act 1996] (maximum amount of a week’s pay for basic award in unfair dismissal cases), and
 - (b) an amount equal to the limit for the time being imposed by [^{F4}section 124(1)] of that Act (maximum compensatory award in such cases);
- and, in the case of an award by the Employment Appeal Tribunal, shall not be less than [^{F5}£5,300].

^{F6}(7)

^{F7}(8)]

Textual Amendments

- F1** Ss. 174-177 and cross heading substituted (30.11.1993) by 1993 c. 19, s. 14; S.I. 1993/1908, art. 2(2), **Sch. 2**
- F2** Words in s. 176 substituted (1.8.1998) by 1998 c. 8, s. 1(2)(a) (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**
- F3** Words in s. 176(6)(a) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 56(13)(a)** (with ss. 191-195, 202)
- F4** Words in s. 176(6)(b) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 56(13)(b)** (with ss. 191-195, 202)
- F5** Sum in s. 176(6) substituted (1.2.2000 with effect as mentioned in art. 4 of the amending S.I.) by S.I. 1999/3375, art. 3, **Sch.** (with art. 4) (which S.I. was revoked (1.2.2001) by S.I. 2001/21, art. 2 (with transitional provisions in art. 4))
- F6** S. 176(7) repealed (17.12.1999 subject to s. 36(3) of the amending Act) by 1999 c. 26, ss. 36(1)(3), 44, **Sch. 9(10)**; S.I. 1999/3374, art. 2(b), **Sch.** (with art. 3)
- F7** S. 176(8) repealed (17.12.1999 subject to s. 36(3) of the amending Act) by 1999 c. 26, ss. 36(1)(3), 44, **Sch. 9(10)**; S.I. 1999/3374, art. 2(b), **Sch.** (with art. 3)

Modifications etc. (not altering text)

- C1** S. 176: power to amend conferred (17.12.1999) by 1999 c. 26, s. 34(1)(g); S.I. 1999/3374, art. 2(a), **Sch.** (with art. 3)

Status:

Point in time view as at 01/02/2000. This version of this provision has been superseded.

Changes to legislation:

Trade Union and Labour Relations (Consolidation) Act 1992, Section 176 is up to date with all changes known to be in force on or before 30 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.