



# Employment Relations Act 1999

## 1999 CHAPTER 26

### *CAC, ACAS, Commissioners and Certification Officer*

#### **24 CAC: members.**

In section 260 of the Trade Union and Labour Relations (Consolidation) Act 1992 (members of the Committee) these subsections shall be substituted for subsections (1) to (3)—

- “(1) The Central Arbitration Committee shall consist of members appointed by the Secretary of State.
- (2) The Secretary of State shall appoint a member as chairman, and may appoint a member as deputy chairman or members as deputy chairmen.
- (3) The Secretary of State may appoint as members only persons experienced in industrial relations, and they shall include some persons whose experience is as representatives of employers and some whose experience is as representatives of workers.
- (3A) Before making an appointment under subsection (1) or (2) the Secretary of State shall consult ACAS and may consult other persons.”

#### **25 CAC: proceedings.**

- (1) The Trade Union and Labour Relations (Consolidation) Act 1992 shall be amended as follows.
- (2) In section 263 (proceedings of the Committee) this subsection shall be inserted after subsection (6)—
  - “(7) In relation to the discharge of the Committee’s functions under Schedule A1—
    - (a) section 263A and subsection (6) above shall apply, and
    - (b) subsections (1) to (5) above shall not apply.”
- (3) This section shall be inserted after section 263—

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*Status: Point in time view as at 09/09/1999. This version of this cross heading no longer has effect.*

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**“263A Proceedings of the Committee under Schedule A1.**

- (1) For the purpose of discharging its functions under Schedule A1 in any particular case, the Central Arbitration Committee shall consist of a panel established under this section.
  - (2) The chairman of the Committee shall establish a panel or panels, and a panel shall consist of these three persons appointed by him—
    - (a) the chairman or a deputy chairman of the Committee, who shall be chairman of the panel;
    - (b) a member of the Committee whose experience is as a representative of employers;
    - (c) a member of the Committee whose experience is as a representative of workers.
  - (3) The chairman of the Committee shall decide which panel is to deal with a particular case.
  - (4) A panel may at the discretion of its chairman sit in private where it appears expedient to do so.
  - (5) If—
    - (a) a panel cannot reach a unanimous decision on a question arising before it, and
    - (b) a majority of the panel have the same opinion,
 the question shall be decided according to that opinion.
  - (6) If—
    - (a) a panel cannot reach a unanimous decision on a question arising before it, and
    - (b) a majority of the panel do not have the same opinion,
 the chairman of the panel shall decide the question acting with the full powers of an umpire or, in Scotland, an oversman.
  - (7) Subject to the above provisions, a panel shall determine its own procedure.”
- (4) In section 264 (awards of the Committee)—
- (a) in subsection (1) after “award” there shall be inserted “, or in any decision or declaration of the Committee under Schedule A1, ”;
  - (b) in subsection (2) after “of the Committee,” there shall be inserted “ or of a decision or declaration of the Committee under Schedule A1, ”.

**26 ACAS: general duty.**

In section 209 of the Trade Union and Labour Relations (Consolidation) Act 1992 (ACAS’ general duty) the words from “, in particular” to the end shall be omitted.

**27 ACAS: reports.**

- (1) In section 253(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (ACAS: annual report) for “calendar year” there shall be substituted “ financial year ”.

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- (2) In section 265(1) of that Act (ACAS: report about CAC) for “calendar year” there shall be substituted “ financial year ”.

## **28 Abolition of Commissioners.**

- (1) These offices shall cease to exist—
- (a) the office of Commissioner for the Rights of Trade Union Members;
  - (b) the office of Commissioner for Protection Against Unlawful Industrial Action.
- (2) In the Trade Union and Labour Relations (Consolidation) Act 1992 these provisions shall cease to have effect—
- (a) Chapter VIII of Part I (provision by Commissioner for the Rights of Trade Union Members of assistance in relation to certain proceedings);
  - (b) sections 235B and 235C (provision of assistance by Commissioner for Protection Against Unlawful Industrial Action of assistance in relation to certain proceedings);
  - (c) section 266 (and the heading immediately preceding it) and sections 267 to 271 (Commissioners’ appointment, remuneration, staff, reports, accounts, etc.).
- (3) In section 32A of that Act (statement to members of union following annual return) in the third paragraph of subsection (6)(a) (application for assistance from Commissioner for the Rights of Trade Union Members) for the words from “may” to “case,” there shall be substituted “ should ”.

## **29 The Certification Officer.**

Schedule 6 shall have effect.

**Status:**

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