

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Trade Union and Labour Relations Act 1974 (repealed 16.10.1992), Part IV. (See end of Document for details)

SCHEDULES

SCHEDULE 1

RE-ENACTED PROVISIONS OF ^{M1}INDUSTRIAL RELATIONS ACT 1971

Marginal Citations

M1 1971 c. 72.

PART IV

CONCILIATION OFFICERS, AND MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

F1

26, 27.

Textual Amendments

F1 Sch. 1 paras. 20–27 repealed by Employment Protection (Consolidation) Act 1978 (c. 44), Sch. 15 para. 9, Sch. 17

F2

28

Textual Amendments

F2 Sch. 1 para. 28 repealed by Race Relations Act 1976 (c. 74), s. 79(5), Sch. 5

F3

29

Textual Amendments

F3 Sch. 1 para. 29 repealed by Employment Protection Act 1975 (c. 71), Sch. 18

F4

30

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Textual Amendments

- F4** Sch. 1 para. 30 repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), [Sch. 15 para 9](#), [Sch. 17](#)

Nominations by members of trade unions

[Section 155]

- 31 (1) Regulations may make provision—
- (a) for enabling members of trade unions who are not under sixteen years of age to nominate a person or persons to become entitled, on the death of the person making the nomination, to the whole or part of any money payable on his death out of the funds of the trade union of which he is a member; and
 - (b) for enabling any money payable out of the funds of a trade union on the death of a member of the trade union, to an amount not exceeding [^{F5}£5000], to be paid or distributed on his death (whether in accordance with such a nomination or otherwise) without letters of administration, probate of any will or confirmation.
- (2) Any regulations made in accordance with sub-paragraph (1)(a) above—
- (a) may include provision as to the manner in which nominations may be made and as to the manner in which nominations may be varied or revoked, and
 - (b) may provide that, subject to such exceptions as may be prescribed, no nomination made by a member of a trade union shall be valid if at the date of the nomination the person nominated is an officer or employee of the trade union or is otherwise connected with the trade union in such manner as may be prescribed by the regulations.
- (3) Any regulations under this section may include such incidental, transitional or supplementary provisions as the Secretary of State may consider appropriate and, in particular, any such regulations made in accordance with sub-paragraph (1)(a) above may include provision for securing, to such extent and subject to such conditions as may be prescribed in the regulations, that nominations made under the ^{M1}Trade Union Act Amendment Act 1876 shall have effect as if they have been made under the regulations and may be varied or revoked accordingly.
- [^{F6}(4) Sub-paragraph (1)(b) above shall be included among the provisions with respect to which the Treasury may make an order under section 6(1) of the ^{M2}Administration of Estates (Small Payments) Act 1965, substituting, for references to the amount for the time being provided for, references to such higher amount as may be specified in the order.]

Textual Amendments

- F5** Figure substituted by [S.I. 1984/539, art. 2\(k\)](#)
- F6** [Sch. 1 para. 31\(4\)](#) substituted for [para. 31\(4\)\(5\)](#) by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 16 Pt. III para. 32](#)

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Marginal Citations

- M1** 1876 c. 22.
M2 1965 c. 32.

Restrictions on contracting out

[Section 161]

- 32 (1)^{F7} any provision in an agreement (whether a contract of employment or not) shall be void in so far as it purports—
- (a) to exclude or limit the operation of any provision of this Act; or
 - (b)^{F8}
- (2) (a)^{F9}
- (b)^{F10}

Textual Amendments

- F7** Words repealed by [Employment Act 1980 \(c. 42\)](#), [Sch. 2](#)
- F8** [Sch. 1 para. 32\(1\)\(b\)](#) repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), [Sch. 15 para. 9](#), [Sch. 17](#)
- F9** [Sch. 1 para. 32\(2\)\(a\)](#) repealed by [Employment Act 1980 \(c. 42\)](#), [Sch. 2](#)
- F10** [Sch. 1 paras. 32\(2\)\(b\)–\(e\)](#), [33\(4A\)](#) repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), [Sch. 15 para. 9](#), [Sch. 17](#)

Employment under the Crown

[Section 162]

- 33 (1) Subject to the following provisions of this paragraph, the provisions of this Act shall have effect in relation to Crown employment and to workers in Crown employment as they have effect in relation to other employment and to other workers.
- (2) In this paragraph (subject to sub-paragraph (4) below) “Crown employment” means employment under or for the purposes of a government department, [^{F11}or any officer or body exercising on behalf of the Crown functions conferred by any enactment], otherwise than as a member of the naval, military or air forces of the Crown or of any women’s service administered by the Defence Council, and “Crown employee” means a person who is for the time being in Crown employment or (where it has ceased) was in Crown employment.
- (3) For the purposes of the application of the provisions of this Act in relation to Crown employment in accordance with subparagraph (1) above—
- (a) any reference to an employee shall be construed as a reference to a Crown employee;

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- (b) any reference to dismissal shall be construed as a reference to the termination of Crown employment;
- (c) ^{F12}
- (e) any other reference to an undertaking shall be construed, in relation to a Minister of the Crown, as a reference to his functions or (as the context may require) to the department of which he is in charge, and, in relation to a government department [^{F11}, officer or body] shall be construed as a reference to the functions of the department [^{F11}, officer or body] or (as the context may require) to the department [^{F11}, officer or body].

(4) For the purposes of this Act—

- (a) none of the bodies specified in Schedule 3 to the ^{M3}Redundancy Payments Act 1965 (national health service employers) shall be regarded as performing functions on behalf of the Crown, and their employees shall not be regarded as being employed under or for the purposes of a government department, and accordingly employment by any such body shall not be Crown employment within the meaning of this paragraph;
- (b) associations established for the purposes of the [^{F13}Part VI of the ^{M4}Reserve Forces Act 1980] shall be treated as if they were government departments, and accordingly employment by any such association shall be Crown employment within the meaning of this paragraph;

and for the purposes of this paragraph Crown employment does not include any employment in respect of which a certificate to which sub-paragraph (5) below applies is for the time being in force.

(4A) ^{F14}

- (5) This sub-paragraph applies to any certificate issued by or on behalf of a Minister of the Crown and certifying that employment of a description specified in the certificate, or the employment of a particular person so specified, is (or at a time specified in the certificate was) required to be excepted from sub-paragraph (1) above for the purpose of safeguarding national security; and any document purporting to be a certificate so issued shall be received in evidence and shall, unless the contrary is proved, be deemed to be such a certificate.

Textual Amendments

- F11** Words inserted by [Employment Protection Act 1975 \(c. 71\)](#), **Sch. 16 Pt. III para. 33**
- F12** [Sch. 1 para. 33\(3\)\(c\)\(d\)](#) repealed with saving by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), [Sch. 15 para. 9](#), **Sch. 17**
- F13** Words substituted by [Reserve Forces Act 1980 \(c. 9\)](#), **Sch. 9 para. 15**
- F14** [Sch. 1 paras. 32\(2\)\(b\)–\(e\)](#), [33\(4A\)](#) repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), [Sch. 15 para. 9](#), **Sch. 17**

Marginal Citations

- M3** 1965 c. 62.
- M4** 1980 c. 9.

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