

ELIZABETH II



Trade Union and Labour Relations (Amendment) Act 1976

1976 CHAPTER 7

An Act to repeal (in whole or in part), replace or amend sections 5, 6, 7, 8, 13, 29 and 30 of the Trade Union and Labour Relations Act 1974 and paragraph 6 of Schedule 1 to that Act and to provide for a charter on matters relating to the freedom of the press. [25 March 1976]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The following provisions and passages of the Trade Union and Labour Relations Act 1974 (hereafter in this Act referred to as "the principal Act") are hereby repealed, that is to say—

- (a) section 5 (rights of workers as to arbitrary or unreasonable exclusion or expulsion from trade union) ;
- (b) section 6 (provisions as to rules of trade unions and employers' associations) ;
- (c) in section 8(6) (power of Registrar of Friendly Societies to remove name of organisation from list of trade unions or list of employers' associations), the words "or that its rules do not comply with the provisions of this Act" ;

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- (d) in section 29(3) (trade disputes relating to matters occurring outside Great Britain), the words from “so long as” onwards;
- (e) in paragraph 6(5) of Schedule 1 (cases where dismissal is to be regarded as fair), the words “or on any reasonable grounds to being a member of a particular trade union.”

Freedom
of the press.

2. After section 1 of the principal Act there shall be inserted the following section:—

“Charter
on freedom
of the press.

1A.—(1) If before the end of the period of twelve months beginning with the passing of the Trade Union and Labour Relations (Amendment) Act 1976, there is agreed among parties including employers of journalists (or employers’ associations representing such employers), editors (or editors’ organisations) and trade unions representing journalists, a charter containing practical guidance for employers, trade unions and editors and other journalists on matters relating to the freedom of the press, the Secretary of State shall lay before both Houses of Parliament a draft of that charter.

(2) For the purposes of subsection (1) above, practical guidance on matters relating to the freedom of the press must include guidance on the avoidance of improper pressure to distort or suppress news, comment, or criticism, the application of union membership agreements to journalists (and in particular the right of editors to discharge their duties and to commission and to publish any article) and the question of access for contributors.

(3) If no such charter has been agreed as mentioned above, or if a draft charter laid before Parliament (under subsection (1) above or this subsection) is not approved by resolution of each House of Parliament as mentioned in subsection (6) below, the Secretary of State shall after consultation with the Press Council and such of the parties referred to in subsection (1) above, such organisations representing workers and such organisations representing employers, as he thinks fit, prepare in draft a charter, as follows:—

- (a) where, or so far as, there appears to the Secretary of State to be agreement among the parties referred to in subsection (1) above on any matter relating to the freedom of the press, he shall incorporate

in the draft charter such practical guidance as he thinks appropriate to give effect to that agreement ;

- (b) where, so far as there appears to the Secretary of State to be no such agreement on any of the particular matters referred to in subsection (2) above, he shall incorporate in the draft charter such practical guidance on that matter as he thinks fit,

and the Secretary of State shall lay the draft charter before both Houses of Parliament.

(4) A charter agreed as mentioned in subsection (1) above, or prepared by the Secretary of State in accordance with subsection (3) above, shall define its field of operation.

(5) A charter agreed as mentioned in subsection (1) above, or prepared by the Secretary of State in accordance with subsection (3) above, shall provide for the constitution of a body which shall have the functions of—

- (a) hearing any complaint by a person aggrieved by a failure on the part of any other person to observe any provision of the charter ;
- (b) issuing to the parties a declaration as to whether such a complaint is well-founded ;
and
- (c) securing the publication of its decision.

(6) If a draft laid under subsection (1) or (3) above is approved by a resolution of each House of Parliament, the Secretary of State shall issue the charter in the form of the draft.

(7) A charter for the time being in force under this section may be revised from time to time by agreement between such parties as are referred to in subsection (1) above, and the Secretary of State shall lay a draft of the revised charter before both Houses of Parliament.

(8) If a draft laid under subsection (7) above is approved by a resolution of each House of Parliament, the Secretary of State shall issue the revised charter in the form of the draft.

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(9) On issuing a charter or revised charter under subsection (6) or (8) above the Secretary of State shall make by statutory instrument an order specifying the date on which the charter or revised charter is to come into effect.

(10) A failure on the part of any person to observe any provision of a charter which is for the time being in force under this section shall not of itself render him liable to any proceedings, but in any proceedings—

(a) any such charter shall be admissible in evidence, and

(b) any provision of such a charter which appears to the court or tribunal to be relevant to any question arising in those proceedings shall be taken into account by the court or tribunal in determining that question.”

Amendments
of the
principal Act.

3.—(1) For section 7 of the principal Act (right to terminate membership of trade union) there shall be substituted the following section:—

“ Right to
terminate
membership
of trade
union.

7. In every contract of membership of a trade union, whether made before or after the passing of this Act, there shall be implied a term conferring a right on the member, on giving reasonable notice and complying with any reasonable conditions, to terminate his membership of the union.”

(2) For section 13(1) of the principal Act (inducing or threatening breach of a contract of employment in contemplation or furtherance of a trade dispute) there shall be substituted the following subsection:—

“(1) An act done by a person in contemplation or furtherance of a trade dispute shall not be actionable in tort on the ground only—

(a) that it induces another person to break a contract or interferes or induces any other person to interfere with its performance; or

(b) that it consists in his threatening that a contract (whether one to which he is a party or not) will be broken or its performance interfered with, or that he will induce another person to break a contract or to interfere with its performance.”

(3) In section 30(1) of the principal Act (interpretation), in paragraph (c) of the definition of “union membership agreement”,—

(a) for the words “of requiring the terms and conditions of employment of every employee of that class to include a condition that he must” there shall be substituted the words “in practice of requiring the employees for the time being of the class to which it relates (whether or not there is a condition to that effect in their contract of employment) to”; and

(b) for the word “appropriate” there shall be substituted the word “specified,”

and at the end of that definition there shall be inserted the words “and references in this definition to a trade union include references to a branch or section of a trade union; and a trade union is specified for the purposes of, or in relation to, a union membership agreement if it is specified in the agreement or is accepted by the parties to the agreement as being the equivalent of a union so specified”.

(4) After section 30(5) of the principal Act there shall be inserted the following subsection:—

“(5A) For the purposes of this Act employees are to be treated, in relation to a union membership agreement, as belonging to the same class if they have been identified as such by the parties to the agreement, and employees may be so identified by reference to any characteristics or circumstances whatsoever.”.

(5) In paragraph 6(5) of Schedule 1 to the principal Act (cases where dismissal is to be regarded as fair) for the words “all the employees of that employer or all employees” there shall be substituted the words “employees for the time being”.

(6) In paragraph 6(9) of Schedule 1 to the principal Act (definitions), after the word “paragraph” there shall be inserted the words “unless the context otherwise requires, references to a trade union include references to a branch or section of a trade union, and”.

4.—(1) This Act may be cited as the Trade Union and Labour Relations (Amendment) Act 1976.

Short title,
citation and
transitional
provisions.

(2) The principal Act and this Act may be cited together as the Trade Union and Labour Relations Acts 1974 and 1976.

(3) Section 1(e) above and subsections (3), (5) and (6) of section 3 above shall not apply in relation to a case where a person is dismissed and the effective date of termination falls before the passing of this Act.

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