



# Trade Union Reform and Employment Rights Act 1993

## CHAPTER 19

### TRADE UNION REFORM AND EMPLOYMENT RIGHTS ACT 1993

#### PART I

##### TRADE UNIONS ETC.

###### *Union elections and ballots*

- 1 Election scrutineer to check register.
- 2 Counting of election votes etc. by independent person.
- 3 Political fund ballots.
- 4 Ballots for union amalgamations and transfers of engagements.
- 5 Ballots for union amalgamations and transfers of engagements: notice not to include influential material.
- 6 Confidentiality of trade union's register of members' names and addresses.
- 7 Ballots: repeal of provisions for financial assistance and use of employers' premises

###### *Financial affairs of unions etc.*

- 8 Annual return to contain additional information.
- 9 Statement to members following annual return.
- 10 Investigation of financial affairs.
- 11 Offences.
- 12 Disqualification of offenders.

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*Rights in relation to union membership*

- 13 Action short of dismissal: non-infringing actions.
- 14 Right not to be excluded or expelled.
- 15 Right not to suffer deduction of unauthorised or excessive subscriptions.
- 16 Extension of right not to be unjustifiably disciplined.

*Industrial action*

- 17 Requirement of postal ballot.
- 18 Notice of ballot and sample voting paper for employers.
- 19 Ballot result for employers.
- 20 Scrutiny of ballots.
- 21 Notice of industrial action for employers.
- 22 Industrial action affecting supply of goods or services to an individual.

**PART II**

EMPLOYMENT RIGHTS

*Maternity*

- 23 Right to maternity leave and right to return to work.
- 24 Dismissal rights.
- 25 Rights on suspension on maternity grounds.

*Employment particulars*

- 26 Right to employment particulars.
- 27 Entitlement to itemised pay statement.

*Employment protection in health and safety cases*

- 28 Rights to claim unfair dismissal and not to suffer detriment.

*Unfair dismissal: assertion of statutory right*

- 29 Dismissal on ground of assertion of statutory right.

*Reinstatement orders: compensation*

- 30 Compensation for unfair dismissal when reinstatement or re-engagement ordered.

*Service in armed forces*

- 31 Application of 1978 Act to service in armed forces.

*Sex discrimination*

- 32 Right to declaration of invalidity of discriminatory terms and rules.

*Transfer and redundancy rights*

- 33 Amendments of transfer of undertakings regulations.
- 34 Redundancy consultation procedures.

**PART III**

OTHER EMPLOYMENT MATTERS

*Abolition of right to statutory minimum remuneration*

- 35 Repeal of Part II of Wages Act 1986.

*Constitution and jurisdiction of tribunals*

- 36 Constitution of industrial tribunals.  
37 Constitution of Employment Appeal Tribunal.  
38 Extension of power to confer on industrial tribunals jurisdiction in respect of contracts of employment etc.  
39 Agreements not to take proceedings before employment tribunal.  
40 Restriction of publicity in cases involving sexual misconduct: industrial tribunals.  
41 Restriction of publicity in cases involving sexual misconduct: Employment Appeal Tribunal.  
42 Restriction of vexatious proceedings.

*ACAS*

- 43 Functions of ACAS.  
44 Fees for exercise of functions by ACAS.

*Careers services*

- 45 Careers services.  
46 Careers services: ancillary services.

*Training etc. in Scotland*

- 47 Employment and training functions of Scottish Enterprise and Highlands and Islands Enterprise.

**PART IV**

SUPPLEMENTARY

- 48 Interpretation.  
49 Miscellaneous and consequential amendments.  
50 Transitional provisions and savings.  
51 Repeals and revocations.  
52 Commencement.  
53 Financial provision.  
54 Northern Ireland.  
55 Short title.

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SCHEDULES

SCHEDULE 1 — Political fund ballots

- 1 In section 74(3) of the 1992 Act (requirements which Certification...  
2 In section 75 of that Act (appointment of independent scrutineer...  
3 After section 77 of that Act there shall be inserted—...  
4 In section 78 of that Act (scrutineer's report on ballot)—...

SCHEDULE 2 —

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SCHEDULE 3 —

SCHEDULE 4 —

SCHEDULE 5 — Employment protection in health and safety cases

- 1 After section 22 of the 1978 Act there shall be...
- 2 In subsection (3) of section 57 of that Act (general...
- 3 After that section there shall be inserted— Dismissal in health...
- 4 In section 59 of the 1978 Act (dismissal on ground...
- 5 In section 64 of the 1978 Act (qualifying period etc...
- 6 In section 71 of the 1978 Act (compensation for failure...
- 7 In section 72 of the 1978 Act (compensation for unfair...
- 8 In section 73 of the 1978 Act (calculation of basic...
- 9 After section 75 of that Act there shall be inserted—...
- 10 After section 76 of that Act there shall be inserted—...

SCHEDULE 6 — Compromise Contracts

*Sex Discrimination Act 1975 (c.65)*

- 1 In section 77 of the Sex Discrimination Act 1975 (validity,...

*Race Relations Act 1976 (c. 74)*

- 2 In section 72 of the Race Relations Act 1976 (validity,...

*Wages Act 1986 (c.48)*

- 3 .....

*Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)*

- 4 In section 288 of the 1992 Act (restrictions on contracting...

SCHEDULE 7 — Miscellaneous Amendments

*Unfair selection for dismissal in redundancy cases: exclusion of qualifying conditions*

- 1 In section 154 of the 1992 Act (exclusion of requirement...

*Qualifying period for unfair dismissal protection: small businesses*

- 2 .....

*Application of 1978 Act to Crown Employment and House of Commons Staff*

- 3 .....
- 4 .....

*Restrictions on disclosure of information, etc on grounds of national security*

- 5 .....
- 6 .....
- 7 .....

*Extension of employment protection provisions and related legislation to House of Lords Staff*

- 8 In section 1 of the Equal Pay Act 1970 (requirement...
- 9 After section 85A of the Sex Discrimination Act 1975 (application...
- 10 After section 75A of the Race Relations Act 1976 (application...
- 11 .....
- 12 In section 277 of the 1992 Act (House of Lords...

*Power to extend 1978 Act in certain health and safety cases*

- 13 .....

*Power to provide for continuity of employment following reinstatement or re-engagement*

- 14 .....

*Codes of practice on employment : use in proceedings*

- 15 In section 56A of the Sex Discrimination Act 1975 (codes...

*Parliamentary procedure: orders modifying application of redundancy provisions*

- 16 .....

*Miscellaneous minor corrections and amendments*

- 17 In section 21(6) of the 1992 Act (repudiation by trade...
- 18 In section 34(5) of the 1992 Act (eligibility for appointment...
- 19 In section 35(5) of the 1992 Act (appointment and removal...
- 20 .....
- 21 In section 158 of the 1992 Act (special award in...
- 22 In section 166(1) of the 1992 Act (consequences of failure...
- 23 In section 187(2) of the 1992 Act (meaning of refusal...
- 24 In section 228 of the 1992 Act (separate workplace ballots...
- 25 In section 229(3) of the 1992 Act (voting paper for...
- 26 In section 246 of the 1992 Act (minor definitions relating...
- 27 In section 278(4)(c) of the 1992 Act (House of Commons...

SCHEDULE 8 — Consequential amendments

*The Factories Act 1961 (c. 34)*

- 1 In section 119A of the Factories Act 1961 (notice of...

*The Parliamentary Commissioner Act 1967 (c. 13)*

- 2 .....

*The Chronically Sick and Disabled Persons Act 1970 (c. 44)*

- 3 In section 13(2) of the Chronically Sick and Disabled Persons...

*The Employment Agencies Act 1973 (c. 35)*

- 4 In section 13(7) of the Employment Agencies Act 1973 (exclusions...

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*The Employment and Training Act 1973 (c. 50)*

5 In section 5(2)(a) of the Employment and Training Act 1973...

*The House of Commons Disqualification Act 1975 (c. 24)*

6 .....

*The Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

7 .....

*The Sex Discrimination Act 1975 (c. 65)*

8 In section 15 of the Sex Discrimination Act 1975 (employment...

*The Race Relations Act 1976 (c. 74)*

9 In section 14 of the Race Relations Act 1976 (employment...

*The Employment Protection (Consolidation) Act 1978 (c. 44)*

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*The Agricultural Training Board Act 1982 (c. 9)*

33 .....

*The Industrial Training Act 1982 (c. 10)*

34 In section 5(3)(e) of the Industrial Training Act 1982 (functions...

*The Insolvency Act 1986 (c. 45)*

35 .....

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*The Wages Act 1986 (c. 48)*

- 36 .....
- 37 .....

*The Employment Act 1988 (c. 19)*

- 38 In subsection (1) of section 26 (status of trainees etc.)...

*The Legal Aid Act 1988 (c. 34)*

- 39 .....

*The Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)*

- 40 In section 25 of the 1992 Act (application to Certification...
- 41 In section 26 of the 1992 Act (application to court...
- 42 In section 32 of the 1992 Act (annual return), after...
- 43 In section 43(1) (provisions not to apply in case of...
- 44 In section 44 of the 1992 Act (discharge of duties...
- 45 In section 45(1) of the 1992 Act (offences for breach...
- 46 In section 49(3)(a) of the 1992 Act (election scrutineer to...
- 47 In section 62 of the 1992 Act (right of trade...
- 48 In section 64 of the 1992 Act (right not to...
- 49 In section 65(7) of the 1992 Act (definitions related to...
- 50 In section 66 of the 1992 Act (complaint of infringement...
- 51 In section 67 of the 1992 Act (compensation for right...
- 52 In section 97(1)(b) and (2)(b) of the 1992 Act (amalgamation...
- 53 In section 98(1) of the 1992 Act (instrument of amalgamation...
- 54 In section 99(1) of the 1992 Act (notice of instrument...
- 55 In section 101 of the 1992 Act (registration of instrument...
- 56 In section 103 of the 1992 Act (complaints about passing...
- 57 In section 106 of the 1992 Act (amalgamation or transfer...
- 58 .....
- 59 .....
- 60 .....
- 61 In section 117(5) of the 1992 Act (provisions operating only...
- 62 In section 118(4) of the 1992 Act (provisions not to...
- 63 In section 119 of the 1992 Act (expressions relating to...
- 64 In section 131(1) of the 1992 Act (administrative provisions applying...
- 65 For section 133 of the 1992 Act (employers' associations:  
amalgamations...
- 66 In section 135(3) of the 1992 Act (provisions not to...
- 67 .....
- 68 In section 158(2) of the 1992 Act (minimum amount of...
- 69 In section 164(1)(a) of the 1992 Act (order in such...
- 70 In section 191(1)(a) of the 1992 Act (no remuneration under...
- 71 In section 198(1)(b) of the 1992 Act (power to adapt...
- 72 In section 219 of the 1992 Act (protection of acts...
- 73 In section 226 of the 1992 Act (act of trade...
- 74 In section 232 of the 1992 Act (balloting of overseas...
- 75 In section 235 of the 1992 Act (meaning of contract...
- 76 In section 237 of the 1992 Act (no right to...
- 77 In section 238 of the 1992 Act (tribunal not to...
- 78 In section 254 of the 1992 Act (Certification Officer), after...

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85 In section 278 of the 1992 Act (House of Commons...)

86 .....

87 .....

88 In section 296 of the 1992 Act (meaning of worker...)

89 In section 299 of the 1992 Act (index of defined...)

SCHEDULE 9 — Transitional provisions and savings

*General*

1 (1) An order under section 52 of this Act may...

*Deduction of trade union subscriptions*

2 For the purposes of section 68 of the 1992 Act...

*Employment particulars*

3 .....

*Transfers of undertakings*

4 The amendments of the Transfer of Undertakings (Protection of Employment)...

*Wages Councils*

5 (1) Notwithstanding the repeal of Part II of the Wages...

SCHEDULE 10 — Repeals and revocations



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