



# Trade Union and Labour Relations Act 1974

## 1974 CHAPTER 52

### *Restrictions on legal liability and legal proceedings*

#### **13 Acts in contemplation or furtherance of trade disputes**

- (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 of employment; or
  - (b) that it consists in his threatening that a contract of employment (whether one to which he is a party or not) will be broken or that he will induce another person to break a contract of employment to which that other person is a party.
- (2) For the avoidance of doubt it is hereby declared that an act done by a person in contemplation or furtherance of a trade dispute is not actionable in tort on the ground only that it is an interference with the trade, business or employment of another person, or with the right of another person to dispose of his capital or his labour as he wills.
- (3) For the avoidance of doubt it is hereby declared that—
  - (a) an act which by reason of subsection (1) or (2) above is itself not actionable ;
  - (b) a breach of contract in contemplation or furtherance of a trade dispute ;shall not be regarded as the doing of an unlawful act or as the use of unlawful means for the purpose of establishing liability in tort.
- (4) An agreement or combination by two or more persons to do or procure the doing of any act in contemplation or furtherance of a trade dispute shall not be actionable in tort if the act is one which, if done without any such agreement or combination, would not be actionable in tort.

#### **14 Immunity of trade unions and employers' associations to actions in tort**

- (1) Subject to subsection (2) below, no action in tort shall lie in respect of any act—

- (a) alleged to have been done by or on behalf of a trade union which is not a special register body or by or on behalf of an unincorporated employers' association ; or
- (b) alleged to have been done, in connection with the regulation of relations between employers or employers' associations and workers or trade unions, by or on behalf of a trade union which is a special register body or by or on behalf of an employers' association which is a body corporate; or
- (c) alleged to be threatened or to be intended to be done as mentioned in paragraph (a) or (b) above;

against the union or association in its own name, or against the trustees of the union or association, or against any members or officials of the union or association on behalf of themselves and all other members of the union or association.

- (2) Subsection (1) above shall not affect the liability of a trade union or employers' association to be sued in respect of the following, if not arising from an act done in contemplation or furtherance of a trade dispute, that is to say—
  - (a) any negligence, nuisance or breach of duty (whether imposed on them by any rule of law or by or under any enactment) resulting in personal injury to any person; or
  - (b) without prejudice to paragraph (a) above, breach of any duty so imposed in connection with the ownership, occupation, possession, control or use of property (whether real or personal or, in Scotland, heritable or moveable).
- (3) In this section " personal injury" includes any disease and any impairment of a person's physical or mental condition.

## **15 Peaceful picketing**

It shall be lawful for one or more persons in contemplation or furtherance of a trade dispute to attend at or near—

- (a) a place where another person works or carries on business; or
- (b) any other place where another person happens to be, not being a place where he resides,

for the purpose only of peacefully obtaining or communicating information, or peacefully persuading any person to work or abstain from working.

## **16 No compulsion to work**

No court shall, whether by way of—

- (a) an order for specific performance or specific implement of a contract of employment, or
- (b) an injunction or interdict restraining a breach or threatened breach of such a contract,

compel an employee to do any work or attend at any place for the doing of any work.

## **17 Restriction on grant of ex parte injunctions and interdicts**

Where an application for an injunction or interdict is made to a court in the absence of the party against whom the injunction or interdict is sought or any representative of his, and that party claims, or in the opinion of the court would be likely to claim, that he acted in contemplation or furtherance of a trade dispute, the court shall not grant

the injunction or interdict unless satisfied that all steps which in the circumstances were reasonable have been taken with a view to securing that notice of the application and an opportunity of being heard with respect to the application have been given to that party.