

## SCHEDULES

### SCHEDULE 3

Section 25.

#### MISCELLANEOUS AMENDMENTS

##### *The Conspiracy, and Protection of Property Act 1875 (c. 86)*

- 1 In section 3 of the Conspiracy, and Protection of Property Act 1875, for the words from " an industrial dispute " to " 1971 " substitute the words " a trade dispute ".

##### *The Trade Union Act 1913 (2 & 3 Geo. 5. c. 30)*

- 2 (1) The Trade Union Act 1913 shall be amended in accordance with the following provisions of this paragraph.
- (2) For section 2(1), substitute as new subsections (1) and (1A) two subsections in the same terms as subsections (1) and (2) respectively of section 28 of this Act, but with the insertion in the definition of " employers' association " in subsection (2), after the words " temporary) which ", of the words " is unincorporated and ".
- (3) In sections 3 to 6, for the words substituted by Schedule 8 to the 1971 Act substitute the words contained in those sections immediately before the substitutions were effected by that Act except in the contexts specified in sub-paragraph (4) below.
- (4) In sections 3(1) and 4(1) omit the words from " whether the " to " is registered or not" and in section 4(2) the words " whether registered or not".
- (5) After section 6, insert—

##### **“6A Application of section 3 to 6 employers™ associations.**

Sections 3 to 6 of, and the Schedule to, this Act shall apply, with the necessary modifications, in relation to unincorporated employers' associations as they apply in relation to trade unions.”

- (6) For section 7 substitute—

“7 In any enactment relating to trade unions or employers' associations, unless the context otherwise requires, the expression " the Registrar of Friendly Societies " means, in relation to a trade union or employers' association whose office or head or main office is situated in England or Wales, the Chief Registrar of Friendly Societies, and in relation to a trade union or employers' association whose office or head or main office is situated in Scotland, the assistant registrar for Scotland.”

##### *The Industrial Courts Act 1919 (c. 69)*

- 3 In sections 1, 2, 3, 7 and 9, for the words " Industrial Court" and " the Court", wherever they occur (being words which appeared in those subsections before being

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amended by Schedule 8 to the 1971 Act) there shall continue to be substituted the words " Industrial Arbitration Board " and " the Board " respectively.

*The Road Haulage Wages Act 1938 (c. 44)*

- 4 In section 15(1) of the Road Haulage Wages Act 1938, for the definition of " Trade Union " substitute the words " Trade Union " has the same meaning as in the Trade Union and Labour Relations Act 1974 ".

*The Industrial Assurance and Friendly Societies Act 1948 (c. 39)*

- 5 (1) The Industrial Assurance and Friendly Societies Act 1948 shall be amended in accordance with the following provisions of this paragraph.
- (2) In section 6(1), for the words from " an organisation of workers " to " that Act " substitute the words " a trade union or an employers' association ".
- (3) In section 16(4), for the words substituted by the 1971 Act substitute the words " trade union or employers' association ".
- (4) In section 23(1) insert the following—
- “(d) the expressions " trade union " and " employers' association " have the same meanings respectively as they have in the Trade Union and Labour Relations Act 1974”.

*The House of Commons Disqualification Act 1957 (c. 20)*

- 6 (1) In Part II of Schedule 1 to the House of Commons Disqualification Act 1957, both in its application to the House of Commons of the United Kingdom and in its application to the Northern Ireland Assembly,—
- (a) there shall (at the appropriate place in alphabetical order) be re-inserted the following entry—
- “The Industrial Arbitration Board”; and
- (b) the entries relating to the Commission on Industrial Relations and the National Industrial Relations Court shall be omitted.
- (2) In Part III of that Schedule, in its application to the House of Commons of the United Kingdom, the entry relating to the Chief Registrar or Assistant Registrar of Trade Unions and Employers' Associations shall be omitted and, in its application both to the House of Commons of the United Kingdom and to the Northern Ireland Assembly, at the end of the entry relating to members of wages councils and other persons appointed under the Wages Councils Act 1959 insert the words " or Member of a Commission of Inquiry appointed under paragraph 1(a) of Schedule 4 to that Act ".

*The Insurance Companies Act 1958 (c. 72)*

- 7 In section 1 of the Insurance Companies Act 1958, after subsection (5) insert as a new subsection (5A) in place of that inserted by Schedule 8 to the 1971 Act the following—
- “(5A) Where a trade union or an employers' association carries on insurance business, this Act does not apply to it as an insurance company if the

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insurance business is limited to the provision for its members of provident benefits or strike benefits.

In this subsection "trade union" and "employers' association" have the same meanings respectively as they have in the Trade Union and Labour Relations Act 1974."

*The Terms and Conditions of Employment Act 1959 (c. 26)*

- 8 In section 8(2) of the Terms and Conditions of Employment Act 1959, for the words from "which is registered" to "1971, and is, or is" inserted by paragraph 2 of Schedule 7 to the 1971 Act substitute the words "being or".

*The Wages Councils Act 1959 (c. 69)*

- 9 (1) The Wages Councils Act 1959 shall be amended in accordance with the following provisions of this paragraph.
- (2) The functions of commissions of inquiry under the Wages Councils Act 1959 transferred to the Commission on Industrial Relations by paragraph 40 of Schedule 3 to the 1971 Act shall become again functions of commissions of inquiry under the 1959 Act and accordingly any reference in sections 1, 2, 3, 6, 7 and 9 of, and Schedule 1 to, that Act which, by virtue of the 1971 Act, became a reference to the Commission shall become again a reference to a commission of inquiry under the said Act of 1959.
- (3) In section 5, at the end of subsection (1) there shall be re-inserted the words—
- “or
- (c) by any organisation of workers which represents a substantial proportion of the workers with respect to whom that wages council operates
- and in subsection (2) for the words from "the council" to the end of the subsection there shall continue to be substituted the words "the existence of a wages council is no longer necessary for the purpose of maintaining a reasonable standard of remuneration for the workers with respect to whom that wages council operates";”
- (4) Section 9(1) and Schedule 4 (which were repealed by the 1971 Act) are hereby revived.
- (5) In section 22(3), for the words "any report" substituted by Schedule 8 to the 1971 Act there shall continue to be substituted the words "the report".
- (6) In section 23 the words "a commission of inquiry" repealed by the 1971 Act are hereby revived.
- (7) In section 24, there are hereby revived the definitions of "wages council" and "commission of inquiry" for which a definition of "wages council" was substituted by Schedule 8 (to the 1971 Act).
- (8) In Schedule 1, after paragraph 2 there shall be reinserted the following paragraph:—
- “2A In relation to the making of an order under section 4 of this Act in pursuance of an application made in accordance with section 5(1)(c) of this Act, paragraph 2 of this Schedule shall have effect as if, before the

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words ' shall publish', there were inserted the words ' after consultation with the wages council concerned and with all such organisations of employers as in his opinion represent a substantial proportion of employers with respect to whom the wages council operates '."

*The Trade Union (Amalgamations, etc.) Act 1964 (c. 24)*

10 (1) The Trade Union (Amalgamations, etc.) Act 1964 shall be amended in accordance with the following provisions of this paragraph.

(2) In sections 1 to 11 (and the Schedules), for the expressions " organisation to which this Act applies " or " organisation " substituted by Schedule 8 to the 1971 Act, wherever they occur, substitute the words contained in those sections (and Schedules) immediately before the substitutions were effected by that Act.

(3) In section 1, for the subsection (1A) inserted by Schedule 8 to the 1971 Act substitute—

“(1A) Subject to any express provision of this Act with respect to employers' associations, this Act shall apply, with the necessary modifications, in relation to unincorporated employers' associations as it applies in relation to trade unions.”

(4) In section 4, for subsection (8) substitute—

“(8) In the course of proceedings on a complaint under this section the Registrar may, if he thinks fit, at the request of the complainant or of the trade union, state a case for the opinion of the High Court, or in relation to proceedings in Scotland the Court of Session, on any question of law arising in the proceedings.

The decision of the High Court or the Court of Session, as the case may be, on a case stated under this subsection shall be final.”

(5) For section 6(2) substitute—

“(2) If the name of a trade union or employers' association is for the time being entered in the list of trade unions or employers' associations under section 8 of the Trade Union and Labour Relations Act 1974, a change of its name shall not take effect until approved by the Registrar under this Act; and the Registrar shall not approve a change of name if it appears to him that the proposed new name is the same as one entered in either list as the name of another trade union or employers' association or is a name so nearly resembling such a name as to be likely to deceive the public.”

(6) In section 7(1)(c) the words " or by any assistant registrar " repealed by the 1971 Act are hereby revived.

(7) Section 8 (which was repealed by the 1971 Act) is hereby revived.

(8) In section 9, for subsection (1) substitute—

“(1) In this Act, unless the context otherwise requires—

" amalgamating unions " and " amalgamated union ", in relation to a proposed amalgamation, mean respectively the trade unions proposing to amalgamate and the trade union which is to result from the proposed amalgamation ;

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" assistant registrar " means any assistant registrar of friendly societies appointed under section 1 of the Friendly Societies Act 1896 ;

" employers' association " has the same meaning as in the Trade Union and Labour Relations Act 1974 ;

" Northern Ireland union " has the meaning assigned to it by section 10 of this Act;

" the Registrar " means the Chief Registrar of Friendly Societies ;

" trade union " has the same meaning as in the Trade Union and Labour Relations Act 1974 ;

" transferor trade union " and " transferee trade union ", in relation to a proposed transfer of engagements, mean respectively the trade union proposing to transfer its engagements and the trade union proposing to accept them."

*The Trade Union (Amalgamations etc) Act (Northern Ireland) 1965 (c. 2) (N.I.)*

- 11 For section 9(2) of the Trade Union (Amalgamations etc.) Act (Northern Ireland) 1965 substitute—

“(2) In this Act " Great Britain union " means a trade union or employers' association within the meaning of the Trade Union and Labour Relations Act 1974, being either—

- (a) a union whose name is for the time being entered in the list of trade unions or of employers' associations under section 8 of that Act; or
- (b) a union or association whose name is not so entered, but whose principal office is situated in England, Wales or Scotland.”

*The Companies Act 1967 (c. 81)*

- 12 In section 60(1) of the Companies Act 1967 for the paragraph (e) inserted by Schedule 8 to the 1971 Act substitute the following—

“(e) a trade union or employers' association (within the meaning of the Trade Union and Labour Relations Act 1974) where the insurance business carried on by the union or association is limited to the provision for its members of provident benefits or strike benefits”.

*The Insurance Companies Act (Northern Ireland) 1968 (c. 6) (N.I.)*

- 13 (1) The Insurance Companies Act (Northern Ireland) 1968 shall be amended in accordance with the following provisions of this paragraph.

(2) In section 1(2)(a) omit the words " or trade unions ".

(3) In section 1(2) after paragraph (c) insert—

“or

- (d) any insurance company which is, or is deemed to be, registered under the Acts relating to trade unions or to any insurance company which is a Great Britain union if in either case the insurance business is limited to the provision for its members of provident benefits or strike benefits.”.

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- (4) In section 3(1)(c) omit the words " or trade unions ".
- (5) In section 3(1) after paragraph (d) insert:—
  - “(e) a body which is, or is deemed to be, registered under the Acts relating to trade unions, or is a Great Britain union and in either case limits its insurance business to the provision for its members of provident benefits or strike benefits.”.
- (6) In section 72(1) at the appropriate place in alphabetical order insert—
  - “" Great Britain union " means a trade union or employers' association within the meaning of the Trade Union and Labour Relations Act 1974, being either—
    - (a) a union whose name is for the time being entered in the list of trade unions or of employers' associations under section 8 of that Act; or
    - (b) a union or association whose name is not so entered, but whose principal office is situated in England, Wales or Scotland.”

*The Merchant Shipping Act 1970 (c. 36)*

- 14 In section 42 of the Merchant Shipping Act 1970, in subsection (2), for the words " industrial dispute " substitute the words " trade dispute (within the meaning of the Trade Union and Labour Relations Act 1974) " and omit subsection (3).

*The Tribunals and Inquiries Act 1971 (c. 62)*

- 15 Section 13 of the Tribunals and Inquiries Act 1971 (which, among other things, makes provision for appeals from and the statement of cases by industrial tribunals to the High Court or Court of Session) shall, in its application to industrial tribunals, be taken as referring to those tribunals when exercising any jurisdiction whatsoever, notwithstanding the effect of any order which was made under section 114 of the 1971 Act (appeals from industrial tribunals to the National Industrial Relations Court).

*The Contracts of Employment Act 1972 (c. 53)*

- 16 In section 4(2) of the Contracts of Employment Act 1972, omit paragraph (a) and in section 11(1) omit the definitions of " agency shop agreement " and " approved closed shop agreement ".

*The Administration of Justice (Scotland) Act 1972 (c.59)*

- 17 In section 3(3) of the Administration of Justice (Scotland) Act 1972, for the words " an industrial dispute within the meaning of the Industrial Relations Act 1971 " substitute the words " a trade dispute within the meaning of the Trade Union and Labour Relations Act 1974 ", for the words " Act of 1971 " substitute the words " Act of 1974 " and omit the words " described in section 124 of that Act ".