



# Trade Union and Labour Relations (Consolidation) Act 1992

## 1992 CHAPTER 52

### PART V

#### INDUSTRIAL ACTION

##### *Protection of acts in contemplation or furtherance of trade dispute*

#### **219 Protection from certain tort liabilities.**

- (1) An act done by a person in contemplation or furtherance of a trade dispute is not actionable in tort on the ground only—
  - (a) that it induces another person to break a contract or interferes or induces another 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 interfere with its performance.
- (2) An agreement or combination by two or more persons to do or procure the doing of an act in contemplation or furtherance of a trade dispute is not actionable in tort if the act is one which if done without any such agreement or combination would not be actionable in tort.
- (3) Nothing in subsections (1) and (2) prevents an act done in the course of picketing from being actionable in tort <sup>[F1]</sup>unless—
  - (a) it is done in the course of attendance declared lawful by section 220 (peaceful picketing), and
  - (b) in the case of picketing to which section 220A applies, the requirements in that section (union supervision of picketing) are complied with.]
- (4) Subsections (1) and (2) have effect subject <sup>[F2]</sup>to—
  - (a) sections 222 to 225 (action excluded from protection),

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- (b) section 226 (requirement of ballot before action by trade union),
- (c) section 234A (requirement of notice to employer of industrial action), and
- (d) section 234E (work notices: no protection if union fails to take reasonable steps);]

[<sup>F3</sup>and in those sections “not protected” means excluded from the protection afforded by this section or, where the expression is used with reference to a particular person, excluded from that protection as respects that person.]

#### Textual Amendments

- F1** S. 219(3)(a)(b) and word substituted for words in s. 219(3) (1.3.2017) by [Trade Union Act 2016](#) (c. 15), **ss. 10(1), 25(1)**; S.I. 2017/139, **reg. 2(h)** (with **reg. 3**)
- F2** Words in s. 219(4) substituted (20.7.2023) by [Strikes \(Minimum Service Levels\) Act 2023](#) (c. 39), s. 5, **Sch. para. 4**
- F3** Words in s. 219(4) substituted (30.8.1993) by [1993 c. 19, s. 49\(2\)](#), **Sch. 8 para.72**; S.I. 1993/1908, **art. 2(1), Sch.1**

#### Modifications etc. (not altering text)

- C1** S. 219 excluded (E.W.) (2.3.1998) by [S.I. 1998/218, art. 5](#)  
S. 219 excluded (1.9.1999) by [S.I. 1999/2256, art. 5](#)
- C2** S. 219 excluded (E.) (1.9.2003) by [The Education \(Modification of Enactments Relating to Employment\) \(England\) Order 2003](#) (S.I. 2003/1964), **reg. 5(2)**

## 220 Peaceful picketing.

- (1) It is lawful for a person in contemplation or furtherance of a trade dispute to attend—
  - (a) at or near his own place of work, or
  - (b) if he is an official of a trade union, at or near the place of work of a member of the union whom he is accompanying and whom he represents,
 for the purpose only of peacefully obtaining or communicating information, or peacefully persuading any person to work or abstain from working.
- (2) If a person works or normally works—
  - (a) otherwise than at any one place, or
  - (b) at a place the location of which is such that attendance there for a purpose mentioned in subsection (1) is impracticable,
 his place of work for the purposes of that subsection shall be any premises of his employer from which he works or from which his work is administered.
- (3) In the case of a worker not in employment where—
  - (a) his last employment was terminated in connection with a trade dispute, or
  - (b) the termination of his employment was one of the circumstances giving rise to a trade dispute,
 in relation to that dispute his former place of work shall be treated for the purposes of subsection (1) as being his place of work.
- (4) A person who is an official of a trade union by virtue only of having been elected or appointed to be a representative of some of the members of the union shall be regarded for the purposes of subsection (1) as representing only those members; but

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otherwise an official of a union shall be regarded for those purposes as representing all its members.

#### [<sup>F4</sup>220A Union supervision of picketing

- (1) Section 220 does not make lawful any picketing that a trade union organises, or encourages its members to take part in, unless the requirements in subsections (2) to (8) are complied with.
- (2) The union must appoint a person to supervise the picketing.
- (3) That person (“the picket supervisor”) must be an official or other member of the union who is familiar with any provisions of a Code of Practice issued under section 203 that deal with picketing.
- (4) The union or picket supervisor must take reasonable steps to tell the police—
  - (a) the picket supervisor's name;
  - (b) where the picketing will be taking place;
  - (c) how to contact the picket supervisor.
- (5) The union must provide the picket supervisor with a letter stating that the picketing is approved by the union.
- (6) If an individual who is, or is acting on behalf of, the employer asks the picket supervisor for sight of the approval letter, the picket supervisor must show it to that individual as soon as reasonably practicable.
- (7) While the picketing is taking place, the picket supervisor must—
  - (a) be present where it is taking place, or
  - (b) be readily contactable by the union and the police, and able to attend at short notice.
- (8) While present where the picketing is taking place, the picket supervisor must wear something that readily identifies the picket supervisor as such.
- (9) In this section—
  - “approval letter” means the letter referred to in subsection (5);
  - “employer” means the employer to which the trade dispute relates;
  - “picketing” means attendance at or near a place of work, in contemplation or furtherance of a trade dispute, for the purpose of—
    - (a) obtaining or communicating information, or
    - (b) persuading any person to work or abstain from working.
- (10) In relation to picketing that two or more unions organise or encourage members to take part in—
  - (a) in subsection (2) “the union” means any one of those unions, and
  - (b) other references in this section to “the union” are to that union.]

#### Textual Amendments

- F4** S. 220A inserted (1.3.2017) by Trade Union Act 2016 (c. 15), ss. 10(2), 25(1); S.I. 2017/139, reg. 2(h) (with reg. 3)

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## **221 Restrictions on grant of injunctions and interdicts.**

(1) Where—

- (a) an application for an injunction or interdict is made to a court in the absence of the party against whom it is sought or any representative of his, and
- (b) he 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 him.

(2) Where—

- (a) an application for an interlocutory injunction is made to a court pending the trial of an action, and
- (b) the party against whom it is sought claims that he acted in contemplation or furtherance of a trade dispute,

the court shall, in exercising its discretion whether or not to grant the injunction, have regard to the likelihood of that party's succeeding at the trial of the action in establishing any matter which would afford a defence to the action under section 219 (protection from certain tort liabilities) or section 220 (peaceful picketing).

This subsection does not extend to Scotland.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 212A(1)(zb) inserted by [2023 c. 46 Sch. para. 1](#)