



# Employment Act 1980

## 1980 CHAPTER 42

### *Trade union ballots and Codes of Practice*

#### **3 Issue by Secretary of State of Codes of Practice**

- (1) The Secretary of State may issue Codes of Practice containing such practical guidance as he thinks fit for the purpose of promoting the improvement of industrial relations.
- (2) The Secretary of State shall after consultation with the Advisory, Conciliation and Arbitration Service (whether carried out before or after the passing of this Act) prepare and publish a draft of any Code of Practice that he proposes to issue under this section.
- (3) The Secretary of State shall consider any representations made to him about a draft prepared under subsection (2) above and may modify the draft accordingly.
- (4) If the Secretary of State determines to proceed with the draft he shall lay it before both Houses of Parliament and, if it is approved by resolution of each House, shall issue the Code in the form of the draft.
- (5) A Code of Practice issued under this section shall come into operation on such day as the Secretary of State may by order appoint; and an order under this subsection—
  - (a) may contain such transitional provisions or savings as appear to the Secretary of State to be necessary or expedient;
  - (b) shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) The Secretary of State may from time to time revise the whole or any part of a Code of Practice issued under this section and issue that revised Code, and subsections (2) to (5) above shall apply to such a revised Code as they apply to the first issue of a Code.
- (7) If the Secretary of State is of the opinion that the provisions of a Code of Practice to be issued under this section will supersede the whole or part of a Code previously issued by him under this section or by the Advisory, Conciliation and Arbitration Service under section 6 of the 1975 Act or having effect by virtue of paragraph 4 of Schedule 17 to that Act, he shall in the new Code state that on the day on which the new Code comes into operation in pursuance of an order under subsection (5) above the old Code

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*Status: This is the original version (as it was originally enacted).*

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or a specified part of it shall cease to have effect (subject to any transitional provisions or savings made by the order).

- (8) A failure on the part of any person to observe any provision of a Code of Practice issued under this section shall not of itself render him liable to any proceedings; but in any proceedings before a court or industrial tribunal or the Central Arbitration Committee—
- (a) any such Code shall be admissible in evidence, and
  - (b) any provision of the Code which appears to the court, tribunal or Committee to be relevant to any question arising in the proceedings shall be taken into account in determining that question.