



# Employment Act 1982

## 1982 CHAPTER 46

### *Trade disputes*

#### **15 Actions in tort against trade unions and employers' associations**

- (1) Section 14 of the 1974 Act (immunity for trade unions and employers' associations from certain actions in tort) shall cease to have effect.
- (2) Where proceedings in tort are brought against a trade union—
  - (a) on a ground specified in paragraph (a) or (b) of section 13(1) of the 1974 Act; or
  - (b) in respect of an agreement or combination by two or more persons to do or to procure the doing of an act which, if it were done without any such agreement or combination, would be actionable in tort on such a ground;then, for the purpose of determining in those proceedings whether the union is liable in respect of the act in question, that act shall be taken to have been done by the union if, but only if, it was authorised or endorsed by a responsible person.
- (3) For the purposes of this section, but subject to subsection (4) below, an act shall not be taken to have been authorised or endorsed by a responsible person unless it was authorised or, as the case may be, endorsed—
  - (a) by the principal executive committee ;
  - (b) by any other person who is empowered by the rules to authorise or, as the case may be, endorse acts of the kind in question ;
  - (c) by the president or general secretary ;
  - (d) by any other official who is an employed official; or
  - (e) by any committee of the union to whom an employed official regularly reports.
- (4) An act shall not be taken, by virtue of subsection (3)(d) or (e) above, to have been authorised or endorsed by a responsible person if—
  - (a) that person was, at the time in question, prevented by the rules from authorising or endorsing acts of the kind in question ; or
  - (b) the act has been repudiated by the principal executive committee or by the president or general secretary.

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*Status: This is the original version (as it was originally enacted).*

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- (5) For the purposes of subsection (4)(b) above, an act shall not be treated as repudiated unless—
- (a) it is repudiated as soon as is reasonably practicable after the purported authorisation or endorsement of the act has come to the knowledge of the principal executive committee or, as the case may be, of the president or general secretary ; and
  - (b) the person who purported to authorise or endorse the act has been notified in writing and without delay that it has been repudiated.
- (6) An act shall not be treated as repudiated, notwithstanding subsection (5) above, if at any time after the union concerned purported to repudiate it the principal executive committee or president or general secretary has behaved in a manner which is inconsistent with the purported repudiation.
- (7) In this section—
- " general secretary" means the official of the union concerned who holds the office of general secretary or, where there is no such office, who holds the office which is equivalent, or the nearest equivalent, to that of general secretary;
  - " official" means an official of the union concerned; and " employed official" means, in relation to that union, an official who is employed by it;
  - " president" means the official of the union concerned who holds the office of president or, where there is no such office, who holds the office which is equivalent, or the nearest equivalent, to that of president;
  - " principal executive committee " means the principal committee of the union concerned exercising executive functions, by whatever name it is known ;
  - " rules " means the written rules of the union and any other written provisions forming part of the contract between a member and the other members (or, in the case of a special register body, between a member and the body).
- (8) Where, for the purpose of any proceedings, an act is by virtue of this section taken to have been done by a trade union nothing in this section shall affect the liability of any other person in those or any other proceedings in respect of that act.