



Employment Act 1988

1988 CHAPTER 19

PART III

MISCELLANEOUS AND SUPPLEMENTAL

Miscellaneous

30 Crown employees and contracts etc

- (1) Where any person holds any office or employment under the Crown on terms which do not constitute a contract of employment between that person and the Crown, those terms shall nevertheless be deemed to constitute such a contract for the purposes of—
- (a) the law relating to the liability in tort or delict of any person who commits an act which—
 - (i) induces another person to break any contract, interferes with the performance of any contract or induces any other person to interfere with the performance of any contract; or
 - (ii) consists in a threat that a contract will be broken or its performance interfered with or that any person will be induced to break a contract or to interfere with its performance;
- and
- (b) sections 1, 3(3) and 10 above and any enactment which is contained in any other Act and refers, whether in relation to contracts generally or only in relation to contracts of employment, to any such act.
- (2) Sections 12 and 13 of the 1982 Act (prohibition on union membership or recognition requirements in contracts for the supply of goods or services) shall bind the Crown.
- (3) Section 7 above shall have effect in relation to employment under or for the purposes of any government department, or any officer or body exercising on behalf of the Crown any functions conferred by any enactment, as it has effect in relation to other employment.

Supplemental

31 Financial provisions

There shall be paid out of money provided by Parliament any increases attributable to this Act in the sums payable under any other Act out of money so provided.

32 Interpretation

(1) In this Act, except in so far as the context otherwise requires—

“the 1913 Act” means the Trade Union Act 1913;

“the 1973 Act” means the Employment and Training Act 1973;

“the 1974 Act” means the Trade Union and Labour Relations Act 1974;

“the 1978 Act” means the Employment Protection (Consolidation) Act 1978;

“the 1982 Act” means the Employment Act 1982;

“the 1984 Act” means the Trade Union Act 1984;

“branch or section”, in relation to a trade union, means any branch or section of the union, including, except in section 6 above, any branch or section which is itself a trade union;

“the Certification Officer” means the officer appointed under section 7 of the Employment Protection Act 1975;

“the Commissioner” means the Commissioner for the Rights of Trade Union Members;

“conduct” includes statements, acts and omissions;

“contract of employment”, “employer”, “official”, “trade union” and “worker” have the same meanings as in the 1974 Act;

“contravention”, in relation to any order of a court or other requirement, includes a failure to comply, and cognate expressions shall be construed accordingly;

“the court”, in relation to England and Wales, means the High Court and, in relation to Scotland, means the Court of Session;

“member”, in relation to a trade union consisting wholly or partly of, or of representatives of, constituent or affiliated organisations, includes any member of any of the constituent or affiliated organisations;

“modifications” includes additions, alterations and omissions, and cognate expressions shall be construed accordingly;

“rules”, in relation to a trade union, includes the rules of any branch or section of the union.

(2) For the purposes of this Act a ballot is taken or a contested election is held on the day or, as the case may be, the last day for the casting of votes in the ballot, being, in the case of a ballot or election in which votes are cast by the return of voting papers to a particular person, the last day for the return of those papers to that person, and an uncontested election is deemed to be held on the day on which it would have been held if it had been contested.

33 Minor and consequential amendments and repeals

- (1) The enactments mentioned in Schedule 3 to this Act shall have effect subject to the amendments specified in that Schedule (being minor amendments and amendments consequential on the provisions of this Act).
- (2) The enactments mentioned in Schedule 4 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

34 Short title, commencement and extent

- (1) This Act may be cited as the Employment Act 1988.
- (2) Sections 1 to 17 and 19 to 23 above and section 33 above so far as it gives effect—
 - (a) to Part I of Schedule 3; and
 - (b) to the repeal of such of the enactments mentioned in Schedule 4 as are contained in the 1913 Act, the Trade Union (Amalgamations, etc.) Act 1964, the 1978 Act, the Employment Act 1980, the 1982 Act or the 1984 Act,shall not come into force until such day as the Secretary of State may by order made by statutory instrument appoint; and different days may be so appointed for different provisions or for different purposes.
- (3) Any order under subsection (2) above bringing any provision of this Act into force for any purpose may make such transitional provision in connection with the coming into force of that provision as the Secretary of State considers appropriate.
- (4) An Order in Council under paragraph 1(1)(b) of Schedule 1 to the Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which states that it is made only for purposes corresponding to those of any provision of this Act to which this subsection applies—
 - (a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament); but
 - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) The provisions of this Act to which subsection (4) above applies are—
 - (a) section 25(1), in so far as it relates to the new section 2(1), (2), (3) and (5) of the 1973 Act substituted by that provision;
 - (b) section 26; and
 - (c) section 27.
- (6) This Act, except for the following provisions, shall not extend to Northern Ireland, that is to say, this section and—
 - (a) so much of Part I of this Act as relates to the 1913 Act;
 - (b) paragraphs 12 and 13 of Schedule 1; and
 - (c) section 33 so far as it gives effect to any amendment or repeal specified in Schedule 3 or 4 to this Act of any provision which so extends;and this Act shall have effect in Northern Ireland in relation to the 1913 Act for the purposes only of the application of that Act to such trade unions and unincorporated employers' associations as have their head or main offices outside Northern Ireland.