



# Trade Union Reform and Employment Rights Act 1993

## 1993 CHAPTER 19

### PART I

#### TRADE UNIONS ETC.

##### *Industrial action*

#### **21 Notice of industrial action for employers.**

After section 234 of the 1992 Act there shall be inserted—

*“ Requirement on trade union to give notice of industrial action*

##### **234A Notice to employers of industrial action.**

- (1) An act done by a trade union to induce a person to take part, or continue to take part, in industrial action is not protected as respects his employer unless the union has taken or takes such steps as are reasonably necessary to ensure that the employer receives within the appropriate period a relevant notice covering the act.
- (2) Subsection (1) imposes a requirement in the case of an employer only if it is reasonable for the union to believe, at the latest time when steps could be taken to ensure that he receives such a notice, that he is the employer of persons who will be or have been induced to take part, or continue to take part, in the industrial action.
- (3) For the purposes of this section a relevant notice is a notice in writing which—
  - (a) describes (so that he can readily ascertain them) the employees of the employer who the union intends to induce or has induced to take

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**Changes to legislation:** There are currently no known outstanding effects for the Trade Union Reform and Employment Rights Act 1993, Section 21. (See end of Document for details)

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- part, or continue to take part, in the industrial action (“the affected employees”),
- (b) states whether industrial action is intended to be continuous or discontinuous and specifies—
- (i) where it is to be continuous, the intended date for any of the affected employees to begin to take part in the action,
  - (ii) where it is to be discontinuous, the intended dates for any of the affected employees to take part in the action, and
- (c) states that it is given for the purposes of this section.
- (4) For the purposes of subsection (1) the appropriate period is the period—
- (a) beginning with the day when the union satisfies the requirement of section 231A in relation to the ballot in respect of the industrial action, and
  - (b) ending with the seventh day before the day, or before the first of the days, specified in the relevant notice.
- (5) For the purposes of subsection (1) a relevant notice covers an act done by the union if the person induced is one of the affected employees and—
- (a) where he is induced to take part or continue to take part in industrial action which the union intends to be continuous, if—
    - (i) the notice states that the union intends the industrial action to be continuous, and
    - (ii) there is no participation by him in the industrial action before the date specified in the notice in consequence of any inducement by the union not covered by a relevant notice; and
  - (b) where he is induced to take part or continue to take part in industrial action which the union intends to be discontinuous, if there is no participation by him in the industrial action on a day not so specified in consequence of any inducement by the union not covered by a relevant notice.
- (6) For the purposes of this section—
- (a) a union intends industrial action to be discontinuous if it intends it to take place only on some days on which there is an opportunity to take the action, and
  - (b) a union intends industrial action to be continuous if it intends it to be not so restricted.
- (7) Where—
- (a) continuous industrial action which has been authorised or endorsed by a union ceases to be so authorised or endorsed otherwise than to enable the union to comply with a court order or an undertaking given to a court, and
  - (b) the industrial action has at a later date again been authorised or endorsed by the union (whether as continuous or discontinuous action),
- no relevant notice covering acts done to induce persons to take part in the earlier action shall operate to cover acts done to induce persons to take part in the action authorised or endorsed at the later date and this section shall apply in relation to an act to induce a person to take part, or continue to take part, in the industrial action after that date as if the references in subsection (3)(b)(i) to the industrial action were to the industrial action taking place after that date.

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- (8) The requirement imposed on a trade union by subsection (1) shall be treated as having been complied with if the steps were taken by other relevant persons or committees whose acts were authorised or endorsed by the union and references to the belief or intention of the union in subsection (2) or, as the case may be, subsections (3), (5) and (6) shall be construed as references to the belief or the intention of the person or committee taking the steps.
- (9) The provisions of section 20(2) to (4) apply for the purpose of determining for the purposes of subsection (1) who are relevant persons or committees and whether the trade union is to be taken to have authorised or endorsed the steps the person or committee took and for the purposes of subsection (7) whether the trade union is to be taken to have authorised or endorsed the industrial action.”.

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

**C1** S. 21 restricted (27.7.1993) by S.I. 1993/1908, art. 3(10)(a).

**Changes to legislation:**

There are currently no known outstanding effects for the Trade Union Reform and Employment Rights Act 1993, Section 21.