



Employment Relations Act 2004

2004 CHAPTER 24

PART 1

UNION RECOGNITION

17 Unfair practices: power to make provision about periods before notice of ballot

After paragraph 166A of Schedule A1 to the 1992 Act (which is inserted by section 16) insert—

“166B (1) The Secretary of State may by order provide that, during any period beginning and ending with the occurrence of specified events, employers and unions to which the order applies are prohibited from using such practices as are specified as unfair practices in relation to an application under this Schedule of a specified description.

(2) An order under this paragraph may make provision about the consequences of a contravention of any prohibition imposed by the order (including provision modifying the effect of any provision of this Schedule in the event of such a contravention).

(3) An order under this paragraph may confer functions on the CAC.

(4) An order under this paragraph may contain provision extending for the purposes of the order either or both of the following powers to issue Codes of Practice—

- (a) the power of ACAS under section 199(1);
- (b) the power of the Secretary of State under section 203(1)(a).

(5) An order under this paragraph may—

- (a) include supplementary or incidental provisions (including provision amending this Schedule), and
- (b) make different provision for different cases or circumstances.

Changes to legislation: There are currently no known outstanding effects for the Employment Relations Act 2004, Section 17. (See end of Document for details)

- (6) An order under this paragraph shall be made by statutory instrument.
- (7) No such order shall be made unless a draft of it has been laid before and approved by a resolution of each House of Parliament.
- (8) In this paragraph “specified” means specified in an order under this paragraph.”

Commencement Information

II S. 17 in force at 6.4.2005 by S.I. 2005/872, art. 4, Sch.

Changes to legislation:

There are currently no known outstanding effects for the Employment Relations Act 2004, Section 17.