

1972 No. 36 (C.1)

INDUSTRIAL RELATIONS

**The Industrial Relations Act 1971 (Commencement No. 4)
Order 1972**

Made - - - 17th January 1972
Laid before Parliament 27th January 1972
Coming into Operation 28th February 1972

The Secretary of State, in exercise of the powers conferred on him by section 170(2) and (4) of the Industrial Relations Act 1971(a) and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Industrial Relations Act 1971 (Commencement No. 4) Order 1972.

2. The provisions of the Industrial Relations Act 1971 specified in the Schedule to this Order shall come into force on 28th February 1972.

3. Nothing in this Order shall affect the validity of any action taken or to be taken in respect of any claim under section 8 of the Terms and Conditions of Employment Act 1959(b) duly reported to the Secretary of State before 28th February 1972.

17th January 1972.

Robert Carr,
 Secretary of State for Employment.

SCHEDULE

Article 2

Provisions of the Act	Subject matter of provisions
Section 5	Rights of workers in respect of trade union membership and activities.
Section 6	Modification of rights by agency shop agreement.
Section 7	Pre-entry closed shop agreements to be void.
(a) 1971 c. 72.	(b) 1959 c. 26.

SCHEDULE—(continued)

Provisions of the Act	Subject matter of provisions
Section 10	Reference to industrial tribunal of dispute relating to contribution in accordance with an agency shop agreement.
Section 19	Minimum periods of notice to terminate contracts of employment.
Section 20	Written particulars of terms of contract of employment.
Section 21	Supplementary provisions as to Contracts of Employment Act 1963(a).
Section 22	Right of employee not to be unfairly dismissed.
Section 23	Meaning of "dismissal".
Section 24	Fair and unfair dismissal.
Section 25	Dismissal in connection with a lock-out.
Section 26	Dismissal in connection with a strike or other industrial action.
Section 27	Excluded classes of employment.
Section 28	Qualifying period and upper age limit.
Section 29	Supplementary provisions relating to sections 27 and 28.
Section 30	Exclusion of certain contracts for a fixed term.
Section 33, so far as it is not already in operation.	Pressure on employer to infringe rights of workers.
Section 66	Unfair industrial practices in connection with principles stated in section 65.
Section 70	Unfair industrial practices in connection with principles stated in section 66.
Section 81	Application to registrar to investigate.
Section 82	Action by registrar on application under section 81.
Section 83	Investigation initiated by registrar.
Section 96	Inducement of, or threat to induce, breach of contract.

(a) 1963 c. 49.

SCHEDULE—(continued)

Provisions of the Act	Subject matter of provisions
Section 97	Industrial action in support of unfair industrial practice.
Section 98	Industrial action against extraneous parties.
Section 100(1)	Extended scope of industrial tribunals.
Section 103	Complaint by registrar to Industrial Court in consequence of application under section 81.
Section 104	Complaint by registrar in consequence of investigation under section 83.
Section 106	Complaint to industrial tribunal of unfair industrial practice under section 5 or section 22.
Section 107	Complaint by individual of unfair industrial practice under section 66 or section 70, or of breach of rules.
Section 108	Complaint by registrar to industrial tribunal in consequence of application under section 81.
Section 109	Determination of complaint under section 107 or section 108.
Section 111	Transfer of cases between industrial tribunals and Industrial Court.
Section 118	Limit on compensation awarded under section 103, section 106 or section 109.
Section 119	Contribution to compensation on complaint under section 106.
Section 123	Annual report of Commission.
Section 128	No compulsion to work or to take part in industrial action.
Section 130(3)	Complaints under Part VI of the Act and actions in respect of breach of contract.
Section 131	Avoidance of encroachment on jurisdiction of Industrial Court or of industrial tribunals.
Section 132	Acts in contemplation or furtherance of industrial dispute.

SCHEDULE—(continued)

Provisions of the Act	Subject matter of provisions
Section 133	Proceedings against gas, water and electricity workers.
Section 134	Peaceful picketing.
Section 136, so far as it is not already in operation.	Restriction on jurisdiction of Industrial Court.
Section 137	Application of Part VII to Scotland.
Section 146	Conciliation officers.
Section 147	Effect of strike notice.
Section 148	Teacher in aided school dismissed on requirement of local education authority.
Section 149	Race Relations Act 1968(a).
Section 151	Period of continuous employment.
Section 152	Claims under Terms and Conditions of Employment Act 1959(b).
Schedule 2	Amendments and modifications to the Contracts of Employment Act 1963.
Schedule 3, so far as it is not already in operation.	Inquiries by and disclosure of information to the registrar.
Schedule 7	Amendments to Terms and Conditions of Employment Act 1959, section 8.
Schedule 8, so far as it is not already in operation, except the entry relating to the Trade Union Act 1913(c) for the purposes of the Trade Union Act 1871(d) sections 7 to 10.	Amendments.
Schedule 9, so far as it is not already in operation, except for the entries relating to:— (i) the Trade Union Act 1871 sections 7 to 10, in respect of any organisation which immediately before 1st October 1971 was registered as a trade union under the Trade Union Acts 1871 to 1964 and which is on the provisional register instituted under the Industrial Relations Act 1971;	Repeals.
(a) 1968 c. 71. (c) 1913 c. 30 (2 & 3 Geo. 5).	(b) 1959 c. 26. (d) 1871 c. 31.

SCHEDULE—(continued)

Provisions of the Act	Subject matter of provisions
(ii) the Trade Union Act 1913 sections 1(1) and 2(5), for the purposes of the Trade Union Act 1871 sections 7 to 10; and (iii) the Redundancy Payments Act 1965(a) section 46(1) to (4) for the purposes of regulations with respect to proceedings in pursuance of appeals under section 12 of the Industrial Training Act 1964(b), and with respect to proceedings to determine any question in pursuance of section 7(5) of the Selective Employment Payments Act 1966(c).	

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which includes a transitional provision, brings into force on 28th February 1972 the provisions of the Industrial Relations Act 1971 specified in the Schedule to the Order. These provisions include those conferring rights of complaint to industrial tribunals of unfair industrial practices, including unfair dismissal, the power of the registrar to investigate trade unions and employers' associations and restrictions on certain legal proceedings.

With the coming into operation of this Order, the whole of the Industrial Relations Act will be in force, except the provisions relating to disclosure of information (sections 56, 57, 102(1)(b) and (2)(c), 110, 126 and 127, so far as it relates to section 126) and damages for breach of contract of employment (sections 113 and 130(1) and (2)).

(a) 1965 c. 65.
(c) 1966 c. 32.

(b) 1964 c.16.

SI 1972/36 I
ISBN 0-11-020036-5

