

SCHEDULES

SCHEDULE 1

RE-ENACTED PROVISIONS OF INDUSTRIAL RELATIONS ACT 1971

PART I

INTRODUCTORY

Code of Practice

[Section 2]

- 1 (1) It shall be the duty of the Secretary of State to maintain a code of practice, containing such practical guidance as would be helpful for the purpose of promoting good industrial relations.
- (2) The last code of practice brought into effect under Part I of the Industrial Relations Act 1971 shall remain in effect for the purpose of this Part of this Schedule unless and until revised as hereinafter provided.
- (3) The Secretary of State may from time to time revise the whole or any part of a code of practice which has been brought into effect under this Part of this Schedule.
- (4) In preparing any proposed revision of that code the Secretary of State shall have regard to—
 - (a) the need for those who manage undertakings to accept the primary responsibility for the promotion of good industrial relations, and
 - (b) the need for providing practical guidance with respect to disclosure of information by employers, and with respect to the establishment and maintenance of effective means of negotiation, consultation and communication at all levels between those who manage undertakings and the workers employed in them.

Revisions of Code of Practice

[Section 3]

- 2 (1) Where the Secretary of State proposes to revise the whole or part of the code of practice (in the form in which, whether as originally approved or as previously revised, the code or that part of it has effect for the time being) he shall consult with the Trades Union Congress and the Confederation of British Industry and prepare a draft of the revised code, or that part of it, as the case may be, and shall transmit a copy of the draft to each of them for their consideration and advice.

Status: This is the original version (as it was originally enacted).

- (2) The Secretary of State shall take account of any advice given to him by the Trades Union Congress or the Confederation of British Industry with respect to a draft prepared under sub-paragraph (1) above and shall arrange for any such advice to be published in such manner as he may consider appropriate; and, if the Secretary of State determines to proceed with the draft, he shall lay the draft, or a modified draft, before both Houses of Parliament.
- (3) If the draft laid under sub-paragraph (2) above is approved by a resolution of each House of Parliament, the Secretary of State shall issue the revised code, or part of the code as revised, as the case may be, in the form of the draft.
- (4) On issuing any document under this paragraph (whether it is the code of practice as originally approved or a revised code or part of a revised code) the Secretary of State shall make by statutory instrument an order specifying the date on which the document is to be brought into effect.

Use of code in proceedings under this Act

[Section 4]

- 3 —A failure on the part of any person to observe any provision of a code of practice which is for the time being in force under this Part of this Schedule shall not of itself render him liable to any proceedings ; but in any proceedings before an industrial tribunal under this Act—
 - (a) any such code of practice shall be admissible in evidence, and
 - (b) any provision of such a code of practice which appears to the tribunal to be relevant to any question arising in the proceedings shall be taken into account by the tribunal in determining that question.