



# Trade Union and Labour Relations Act 1974

## 1974 CHAPTER 52

### *Miscellaneous*

#### **23 Provisions supplementary to sections 21 and 22**

- (1) A decision given by the Court before the passing of this Act—
- (a) in proceedings commenced in the Court before 30th April 1974;
  - (b) on an appeal instituted in the Court on or after 30th April 1974 in proceedings in which, if the appeal had been pending in the Court immediately before the passing of this Act, the appeal would have been transferred by virtue of any provision of section 21 above; or
  - (c) on a complaint which, if it had been pending in the Court immediately before the passing of this Act, would have been transferred back to an industrial tribunal by virtue of section 21(6) above ;

may, so far as not enforced, be enforced after the passing of this Act as if it were a judgment of the High Court or the Court of Session, and any right of appeal from such a decision to the Court of Appeal or the Court of Session exercisable under paragraph 29 of Schedule 3 to the 1971 Act (appeals) shall continue to be exercisable, and any appeal from such a decision (whether instituted before or after the passing of this Act) shall be heard and determined accordingly, after the repeal of that paragraph by this Act takes effect.

- (2) Without prejudice to section 38 of the Interpretation Act 1889 (effect of repeals) any decision given by any court or tribunal—
- (a) in any proceedings (including proceedings under the 1971 Act) before the repeal by this Act of sections 153 and 154 of the 1971 Act (enforcement) takes effect, or
  - (b) in any proceedings transferred to any court by virtue of any provision of section 21 above ;

and falling to be enforced to any extent after that repeal takes effect shall not be enforceable against property of any description against which it would not have been

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enforceable before that repeal takes effect by virtue of any provision of the said section 153 or 154, as the case may be.

- (3) Where any right, obligation or liability has accrued or been incurred under any provision of the 1971 Act (other than a provision re-enacted in Schedule 1 to this Act) before the repeal of that provision by this Act takes effect, but no proceedings have been commenced in any court or tribunal to enforce that right, obligation or liability, no proceedings to enforce it (directly or indirectly and by whatever means) shall be commenced in any court or tribunal after that repeal takes effect.
- (4) If on an appeal from the Court after the passing of this Act the Court of Appeal would have exercised a power to order a new trial by the Court, the Court of Appeal shall order the re-hearing to be by the High Court.