



Trade Union and Labour Relations (Consolidation) Act 1992

1992 CHAPTER 52

PART I

TRADE UNIONS

CHAPTER II

STATUS AND PROPERTY OF TRADE UNIONS

Liability of trade unions in proceedings in tort

20 Liability of trade union in certain proceedings in tort

- (1) Where proceedings in tort are brought against a trade union—
- (a) on the ground that an act—
 - (i) induces another person to break a contract or interferes or induces another person to interfere with its performance, or
 - (ii) consists in threatening that a contract (whether one to which the union is a party or not) will be broken or its performance interfered with, or that the union will induce another person to break a contract or interfere with its performance, or
 - (b) in respect of an agreement or combination by two or more persons to do or to procure the doing of an act which, if it were done without any such agreement or combination, would be actionable in tort on such a ground,

then, for the purpose of determining in those proceedings whether the union is liable in respect of the act in question, that act shall be taken to have been done by the union if, but only if, it is to be taken to have been authorised or endorsed by the trade union in accordance with the following provisions.

Status: This is the original version (as it was originally enacted).

- (2) An act shall be taken to have been authorised or endorsed by a trade union if it was done, or was authorised or endorsed—
- (a) by any person empowered by the rules to do, authorise or endorse acts of the kind in question, or
 - (b) by the principal executive committee or the president or general secretary, or
 - (c) by any other committee of the union or any other official of the union (whether employed by it or not).
- (3) For the purposes of paragraph (c) of subsection (2)—
- (a) any group of persons constituted in accordance with the rules of the union is a committee of the union; and
 - (b) an act shall be taken to have been done, authorised or endorsed by an official if it was done, authorised or endorsed by, or by any member of, any group of persons of which he was at the material time a member, the purposes of which included organising or co-ordinating industrial action.
- (4) The provisions of paragraphs (b) and (c) of subsection (2) apply notwithstanding anything in the rules of the union, or in any contract or rule of law, but subject to the provisions of section 21 (repudiation by union of certain acts).
- (5) Where for the purposes of any proceedings an act is by virtue of this section taken to have been done by a trade union, nothing in this section shall affect the liability of any other person, in those or any other proceedings, in respect of that act.
- (6) In proceedings arising out of an act which is by virtue of this section taken to have been done by a trade union, the power of the court to grant an injunction or interdict includes power to require the union to take such steps as the court considers appropriate for ensuring—
- (a) that there is no, or no further, inducement of persons to take part or to continue to take part in industrial action, and
 - (b) that no person engages in any conduct after the granting of the injunction or interdict by virtue of having been induced before it was granted to take part or to continue to take part in industrial action.
- The provisions of subsections (2) to (4) above apply in relation to proceedings for failure to comply with any such injunction or interdict as they apply in relation to the original proceedings.
- (7) In this section “rules”, in relation to a trade union, means the written rules of the union and any other written provision forming part of the contract between a member and the other members.

21 Repudiation by union of certain acts

- (1) An act shall not be taken to have been authorised or endorsed by a trade union by virtue only of paragraph (c) of section 20(2) if it was repudiated by the executive, president or general secretary as soon as reasonably practicable after coming to the knowledge of any of them.
- (2) Where an act is repudiated—
- (a) written notice of the repudiation must be given to the committee or official in question, without delay, and

- (b) the union must do its best to give individual written notice of the fact and date of repudiation, without delay—
- (i) to every member of the union who the union has reason to believe is taking part, or might otherwise take part, in industrial action as a result of the act, and
 - (ii) to the employer of every such member.
- (3) The notice given to members in accordance with paragraph (b)(i) of subsection (2) must contain the following statement—
- “Your union has repudiated the call (or calls) for industrial action to which this notice relates and will give no support to unofficial industrial action taken in response to it (or them). If you are dismissed while taking unofficial industrial action, you will have no right to complain of unfair dismissal.”
- (4) If subsection (2) or (3) is not complied with, the repudiation shall be treated as ineffective.
- (5) An act shall not be treated as repudiated if at any time after the union concerned purported to repudiate it the executive, president or general secretary has behaved in a manner which is inconsistent with the purported repudiation.
- (6) The executive, president or general secretary shall be treated as so behaving if, on a request made to any of them within six months of the purported repudiation by a person who—
- (a) is a party to a commercial contract whose performance has been or may be interfered with as a result of the act in question, and
 - (b) has not been given written notice by the union of the repudiation, it is not forthwith confirmed in writing that the act has been repudiated.
- (7) In this section “commercial contract” means any contract other than—
- (a) a contract of employment, or
 - (b) any other contract under which a person agrees personally to do work or perform services for another.

22 Limit on damages awarded against trade unions in actions in tort

- (1) This section applies to any proceedings in tort brought against a trade union, except—
- (a) proceedings for personal injury as a result of negligence, nuisance or breach of duty;
 - (b) proceedings for breach of duty in connection with the ownership, occupation, possession, control or use of property;
 - (c) proceedings brought by virtue of Part I of the Consumer Protection Act 1987 (product liability).
- (2) In any proceedings in tort to which this section applies the amount which may awarded against the union by way of damages shall not exceed the following limit—

<i>Number of members of union</i>	<i>Maximum award of damages</i>
Less than 5,000	£10,000
5,000 or more but less than 25,000	£50,000

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

<i>Number of members of union</i>	<i>Maximum award of damages</i>
25,000 or more but less than 100,000	£125,000
100,000 or more	£250,000

- (3) The Secretary of State may by order amend subsection (2) so as to vary any of the sums specified; and the order may make such transitional provision as the Secretary of State considers appropriate.
- (4) Any such order shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) In this section—
- “breach of duty” means breach of a duty imposed by any rule of law or by or under any enactment;
- “personal injury” includes any disease and any impairment of a person’s physical or mental condition; and
- “property” means any property, whether real or personal (or in Scotland, heritable or moveable).