



# Employment Relations Act 2004

## 2004 CHAPTER 24

### PART 3

#### RIGHTS OF TRADE UNION MEMBERS, WORKERS AND EMPLOYEES

##### *Exclusion and expulsion from trade unions*

#### **34 Applications no longer to be made to Employment Appeal Tribunal**

- (1) Section 67 of the 1992 Act (compensation for infringement of right not to be unjustifiably disciplined) is amended in accordance with subsections (2) to (6).
- (2) In subsection (1) after “application” insert “ to an employment tribunal ”.
- (3) Omit subsections (2) and (4).
- (4) In subsections (5) and (7) omit “Employment Appeal Tribunal or”.
- (5) In subsection (8) omit the words after paragraph (b).
- (6) After that subsection insert—
  - “(8A) If on the date on which the application was made—
    - (a) the determination infringing the applicant’s right not to be unjustifiably disciplined has not been revoked, or
    - (b) the union has failed to take all the steps necessary for securing the reversal of anything done for the purpose of giving effect to the determination,the amount of compensation shall be not less than the amount for the time being specified in section 176(6A).”
- (7) Section 176 of the 1992 Act (remedies for exclusion or expulsion from trade union) is also amended in accordance with subsections (8) to (11).
- (8) In subsection (2)—

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**Changes to legislation:** There are currently no known outstanding effects for the  
Employment Relations Act 2004, Section 34. (See end of Document for details)

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- (a) after “an application” insert “ to an employment tribunal ”; and
  - (b) omit the second sentence.
- (9) In subsection (4) omit “or the Employment Appeal Tribunal”.
- (10) In subsection (5) omit “or Employment Appeal Tribunal”.
- (11) In subsection (6) omit the words after paragraph (b).

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**Commencement Information**

**II** S. 34 in force at 31.12.2004 by S.I. 2004/3342, art. 4(a) (with arts. 8, 9, 10)

**Changes to legislation:**

There are currently no known outstanding effects for the Employment Relations Act 2004, Section 34.