

**1988 No. 2042 (C.76)**

**TRADE UNIONS**

**The Employment Act 1988 (Commencement No. 2) Order  
1988**

*Made - - - - 22nd November 1988*

The Secretary of State, in exercise of the powers conferred on him by subsections (2) and (3) of section 34 of the Employment Act 1988(a), hereby makes the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Employment Act 1988 (Commencement No. 2) Order 1988.

(2) In this Order, “the Act” means the Employment Act 1988.

**Commencement provisions**

2. Sections 8 (Use of funds for indemnifying unlawful conduct), 19 (Appointment etc. of the Commissioner), 20 (Assistance by the Commissioner) and 21 (Provisions supplemental to section 20) of the Act shall come into force on 5th December 1988.

3. The following sections of the Act shall come into force on 1st February 1989, that is to say—

- (a) section 15 (Independent scrutiny of certain ballots and elections); and
- (b) section 33(1) (Minor and consequential amendments) to the extent that it relates to the following provisions of Schedule 3 to the Act—
  - (i) paragraph 1 (which amends section 4 of the 1913 Act(b)); and
  - (ii) in paragraph 5, sub-paragraph (2)(a) (which amends section 2(5) of the 1984 Act(c)), and sub-paragraphs (4)(b) and (5)(b) (which respectively amend sections 5(8) and 8(2)(a) of the 1984 Act) so far as they relate to section 15 of the Act.

**Transitional provisions**

4. Neither section 15 of nor paragraph 5(2)(a) of Schedule 3 to the Act shall apply to an election held on or after 1st February 1989 if the latest time at which a person may become a candidate in that election falls before that date.

5.—(1) Where the election referred to in section 8(2)(a) of the 1984 Act was an election to which, by virtue of Article 4 above, section 15 of the Act did not apply, the said section 8(2)(a) shall apply as if it did not require the requirements imposed by virtue of the said section 15 to be satisfied in relation to that election.

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(a) 1988 c.19.

(b) 1913 c.30.

(c) 1984 c.49.

(2) Where the election referred to in section 8(2)(a) of the 1984 Act was held before 1st February 1989 or was an election to which, by virtue of Article 4 above, the amendments to section 2(5) of the 1984 Act made by paragraph 5(2)(a) of Schedule 3 to the Act did not apply, the said section 8(2)(a) shall apply as if it did not require the requirements imposed by virtue of those amendments to be satisfied in relation to that election.

Signed by order of the Secretary of State.

22nd November 1988

*John Cope*  
Minister of State,  
Department of Employment

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#### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings section 8 of the Employment Act 1988 into force on 5th December 1988. The section makes it unlawful for union property to be applied towards making any payment to any individual or indemnifying him in respect of a penalty imposed for an offence or for contempt of court.

The Order also brings into force on 5th December 1988 sections 19 to 21 of the Employment Act 1988. These sections establish the Commissioner for the Rights of Trade Union Members and provide for him, on application, to give financial and other assistance to members of trade unions taking or proposing to take certain legal proceedings against their unions.

The Order brings section 15 of the 1988 Act into force on 1st February 1989. The section requires certain ballots and elections which trade unions are required to hold by statute to be supervised by an independent scrutineer appointed by the trade union.

The Order contains transitional provisions.

#### NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

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<i>Provisions</i>	<i>Date of Commencement</i>
Sections 1 to 11, 12 (partially), 13, 14, 16, 17, 22, 23 and 33 (partially); Schedules 3 (partially) and 4 (partially).	26th July 1988
Sections 12 (partially) and 33 (partially); Schedules 3 (partially) and 4 (partially).	26th July 1989

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The commencement provisions for all the provisions referred to above are contained in S.I. 1988/1118.

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