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## EXPLANATORY NOTE

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

This order brings into force on 31st December 2004 sections 15, 18, 33, 34, 36, 39 and 54 of the Employment Relations Act 2004 (“the Act”), together with paragraphs 26, 27 and 42(3) of Schedule 1 to the Act and related entries in Schedule 2 to the Act.

Section 15 amends paragraph 166 of Schedule A1 to the Trade Union and Labour Relations (Consolidation) Act 1992 (“the 1992 Act”). It extends the Secretary of State’s powers to amend (at the request of the Central Arbitration Committee) the provisions of Schedule A1 which provides a statutory procedure for the recognition and derecognition of trade unions for the purpose of collective bargaining.

Section 18 further amends Schedule A1 by inserting paragraphs 169A to C which provide order-making powers to enable the Secretary of State to deal with cases where, subsequent to anything being done under or for the purposes of the Schedule, the trade union to which the action related amalgamates or transfers its engagements or the employer involved ceases to be the employer (for example, by reason of a business transfer).

Section 33 amends sections 174 and 176 of the 1992 Act. Section 174 of the 1992 Act provides rights for individuals not to be excluded or expelled from a trade union. The amendment made by section 33 of the Act entitles a trade union to exclude or expel an individual wholly or mainly for taking part in activities of a political party. The amendment which section 33 makes to section 176 of the 1992 Act provides for new compensation arrangements where the tribunal considers that the exclusion or expulsion was attributable mainly to membership of a political party.

Section 34 of the Act also amends section 176, together with section 67, of the 1992 Act to provide that certain applications which were previously made to the Employment Appeal Tribunal will be made to an employment tribunal.

Section 36 replaces section 10(6) of the Employment Tribunals Act 1996 so as to clarify that the power conferred in that provision applies to any proceedings where a national security issue is at stake.

Section 39 makes a technical amendment to section 23 of the Employment Relations Act 1999 which confers certain order-making powers on the Secretary of State.

Section 54 provides a new order-making power for the Secretary of State to widen the means of voting available in ballots and elections conducted under the 1992 Act.

The Order contains transitional provisions.