STATUTORY INSTRUMENTS

1971 No. 1522 (C.40)

INDUSTRIAL RELATIONS
The Industrial Relations Act 1971 (Commencement No. 1) Order 1971

Made - - -	15*th September* 1971
Laid before Parliament	23*rd September* 1971
Coming into Operation	1*st October* 1971

The Secretary of State, in exercise of the powers conferred on him by section 170(2) and (4) of the Industrial Relations Act 1971(**a**) and of all other powers enabling him in that behalf, hereby makes the following Order :—

1. This Order may be cited as the Industrial Relations Act 1971 (Commencement No. 1) Order 1971.

2. The provisions of the Industrial Relations Act 1971 specified in the Schedule to this Order shall come into force on 1st October 1971.

3. This Order shall not affect the validity of anything done before the coming into operation of this Order by or in relation to the Chief Registrar of Friendly Societies, or an assistant registrar of friendly societies appointed under section 1 of the Friendly Societies Act 1896(**b**), in pursuance of any of the provisions of the Trade Union (Amalgamations, etc.) Act 1964(**c**) ; or of any Regulations made thereunder ; and anything which, at the time of the coming into operation of this Order, is in process of being done by or in relation to such Chief Registrar or assistant registrar under that Act may be continued by or in relation to the registrar within the meaning of section 63(4) of the Industrial Relations Act 1971.

15th September 1971.

Robert Carr,
Secretary of State for Employment.

(**a**) 1971 c. 72.
(**b**) 1896 c. 25.
(**c**) 1964 c. 24.

SCHEDULE Article 2

Provisions of the Act	Subject matter of provisions
Section 1	General principles.
Section 2	Code of practice.
Section 3	Approval by Parliament of code of practice and revisions of code.
Section 4	Use of code of practice in proceedings under the Act.
Section 33(4)	Definition of "irregular industrial action short of a strike".
Section 35(1), so far as necessary for the purposes of section 135	Joint bodies to which section 35 applies.
Section 61	Meaning of trade union and other organisations of workers.
Section 62	Meaning of employers' association and other organisations of employers.
Section 63	Appointment of Chief Registrar of Trade Unions and Employers' Associations and of assistant registrars.
Section 64	Annual report of Chief Registrar.
Section 65	Guiding principles for organisations of workers.
Section 67	Organisations eligible for registration as trade unions.
Section 68	Application for registration as trade union.
Section 69	Guiding principles for organisations of employers.
Section 71	Organisations eligible for registration as employers' associations.
Section 72	Application for registration as employers' association.
Section 73	Provisions as to certificates of registration.
Section 74	Incorporation and vesting of property.
Section 75	Examination and approval of rules by registrar.
Section 78	Entry of organisations in provisional register.

SCHEDULE—(*continued*)

Provisions of the Act	Subject matter of provisions
Section 79	Transfer from provisional register and cancellation of entries.
Section 80	Effect of entry in provisional register.
Section 84	Organisations eligible for entry in special register.
Section 85	Application for entry in special register.
Section 86	Effect of entry in special register.
Section 87	Duty of trade unions and of employers' associations to keep accounting records and registers of members.
Section 88	Annual return, audit, annual report and members' superannuation schemes.
Section 89	Duty to inform registrar of changes in rules, officers and other matters.
Section 90	Power for Chief Registrar to inspect and apply for winding up order.
Section 91	Offences under Part IV.
Section 92	Cancellation by registrar on request or where organisation ceases to exist.
Section 93	Examination and approval of changes in rules.
Section 94	Relaxation of restrictions on changes in rules.
Section 95	Inspection of registers and other documents.
Section 99	Establishment and membership of Industrial Court.
Section 114	Appeals from industrial tribunals to Industrial Court.
Section 135	Illegality on grounds of restraint of trade excluded.
Section 153	Recovery of sums awarded in proceedings involving trade union or employers' association.
Section 154	Proceedings against unregistered organisations.

SCHEDULE—(*continued*)

Provisions of the Act	Subject matter of provisions
Section 156	Winding up of trade unions, employers' associations and certain other organisations.
Section 157	Restrictions on registration under other Acts.
Section 158(1), so far as may be necessary for the purposes of Part I of the Act, and (2)	Immunity of confidential information in preparing the code of practice under Part I of the Act.
Section 163	Regulations, rules and orders.
Section 164	Financial provisions.
Section 166	Meaning of "collective agreement" and "procedure agreement".
Section 167, except for the definition of "agency shop agreement", "bargaining unit", "the Commission", "conciliation officer", "dismiss", "dismissal", "industrial tribunal regulations", "joint negotiating panel", "joint negotiating panel of trade unions", "negotiating rights" and "sole bargaining agent".	Interpretation.
Section 168	Power to limit certain provisions of the Act to major undertakings.
Section 169	Amendments and repeals.
Section 170	Short title, commencement and extent.
In Schedule 3—	
Part I	Chief Registrar and assistant registrars.
Part II	National Industrial Relations Court.
Part V in so far as its provisions relate to the Chief Registrar, assistant registrars and other officers and servants of the Chief Registrar; and to the Industrial Court and officers and servants of the Industrial Court.	Supplementary provisions.
Schedule 4	Requirements as to rules of trade unions and employers' associations.
Schedule 5	Administrative provisions relating to trade unions and employers' associations.

SCHEDULE—(*continued*)

Provisions of the Act	Subject matter of provisions

In Schedule 8 the entries relating to the following Acts:
 	
The Trade Union Act 1913(a), except in so far as they relate to section 3(2) of that Act and except for the purposes of section 4, sections 7 to 10 and section 17 of the Trade Union Act 1871(b), section 10 of the Trade Union Act Amendment Act 1876(c) and the Trade Disputes Act 1906(d);
the Road Haulage Wages Act 1938(e);
the Industrial Assurance and Friendly Societies Act 1948(f);
the Insurance Companies Act 1958(g);
the Trade Union (Amalgamations, etc.) Act 1964(h);
the Companies Act 1967(i).
	Amendments.

Schedule 9, so far as it relates to the repeals set out in the Appendix to this Schedule.	Repeals.

(a) 1913 c. 30 (2 & 3 Geo. 5).
(b) 1871 c. 31.
(c) 1876 c. 22.
(d) 1906 c. 47.
(e) 1938 c. 44.
(f) 1948 c. 39.
(g) 1958 c. 72.
(h) 1964 c. 24.
(i) 1967 c. 81.

APPENDIX TO SCHEDULE

REPEALS TAKING EFFECT

Chapter	Short Title	Extent of Repeal
34 & 35 Vict. c. 31.	The Trade Union Act 1871.	The whole Act except sections 4 and 17 and, in respect of any organisation which immediately before the coming into force of this Order was registered as a trade union under the Trade Union Acts 1871 to 1964 and which is on the provisional register instituted under the Industrial Relations Act 1971, sections 7 to 10.
39 & 40 Vict. c. 22.	The Trade Union Act Amendment Act 1876.	The whole Act except section 10.
59 & 60 Vict. c. 25.	The Friendly Societies Act 1896.	In section 2(1), paragraph (*a*) and the words "trade union and". In section 4(1), the words "Scotland and", in both places where they occur, and the word "respectively" where it first occurs.
2 & 3 Geo. 5. c. 30.	The Trade Union Act 1913.	In section 1, subsection (1), except for the purposes of section 4, sections 7 to 10 and section 17 of the Trade Union Act 1871, section 10 of the Trade Union Act Amendment Act 1876, and the Trade Disputes Act 1906; and in sub-section (2) the words "the objects mentioned in section sixteen of the Trade Union Act Amendment Act 1876, namely". In section 2, subsections (2) to (4).
11 & 12 Geo. 6. c. 39.	The Industrial Assurance and Friendly Societies Act 1948.	In section 23(1), paragraph (*d*).
6 & 7 Eliz. 2. c. 72.	The Insurance Companies Act 1958.	In section 1(5), the words "or to trade unions".

Appendix to Schedule—(*continued*)

Chapter	Short Title	Extent of Repeal
1964 c. 24.	The Trade Union (Amalgamations, etc.) Act 1964.	In section 4, subsection (11).
		In section 7(1)(*c*), the words "or by any assistant registrar".
1967 c. 81.	The Companies Act 1967.	In section 60(1)(*c*), the words "or to trade unions".

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order brings into force on 1st October 1971 the provisions of the Industrial Relations Act 1971 specified in the Schedule to the Order and includes transitional provisions.