STATUTORY INSTRUMENTS

1971 No. 1761 (C. 48)

INDUSTRIAL RELATIONS

The Industrial Relations Act 1971 (Commencement No. 3) Order 1971

Made - - -	*27th October* 1971
Laid before Parliament	*4th November* 1971
Coming into Operation	*1st December* 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. 3) Order 1971.

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

3. The provisions and repeals brought into operation by this Order shall not affect the continuance in force of any regulations made under section 46 of the Redundancy Payments Act 1965(**b**) and any such regulations shall continue to have effect as if made under the corresponding provisions of the Industrial Relations Act 1971, save that paragraph 11 of Schedule 6 to that Act shall not have effect in relation to any regulations made under the said section 46.

27th October 1971.

Robert Carr,
Secretary of State for Employment.

(**a**) 1971 c. 72. (**b**) 1965 c. 62.

Article 2

SCHEDULE

Provisions of the Act	Subject matter of provisions
Section 8	Appropriate contributions to trade union in lieu of membership.
Section 9	Contributions to charity instead of contributions to trade union.
Section 11	Agency shop agreement.
Section 12	Ballot as to agency shop agreement.
Section 13	Effect of ballot under section 12.
Section 14	Application for ballot on continuance of agency shop agreement.
Section 15	Ballot on application under section 14.
Section 16	Pressure to anticipate result of ballot.
Section 17	Special provisions for approval of closed shop agreement.
Section 18	Supplementary provisions as to approved closed shop agreements.
Section 31	Exclusion in respect of procedure agreements.
Section 32	Revocation of exclusion under section 31.
Section 33(2) and (3)(*d*)	Pressure on employer to infringe rights of workers.
Section 34	Presumptions relating to collective agreements.
Section 35, so far as it is not already in operation.	Presumptions relating to proceedings of voluntary joint negotiating bodies.
Section 36	Breach of collective agreement.
Section 37	Application to Industrial Court relating to procedural provisions.
Section 38	Provision for extending scope of reference under section 37(5).
Section 39	Action by Commission for promoting settlement of question referred under section 37.
Section 40	Recommendation of Commission on reference under section 37.
Section 41	Order of Industrial Court on report under section 40.
Section 42	Supplementary provisions as to reports and orders under sections 40 and 41.
Section 43	Extension of sections 37 to 42 to composite unit.
Section 44	Definitions relating to bargaining structure.
Section 45	Application to Industrial Court for reference as to recognition of sole bargaining agent.
Section 46	Reference to Commission on application under section 45.
Section 47	Withdrawal or extension of reference under section 46.
Section 48	Report of Commission on reference under section 46.
Section 49	Application to Industrial Court for ballot as to recognition of sole bargaining agent.

SCHEDULE—*(continued)*

Provisions of the Act	Subject matter of provisions
Section 50	Order of Industrial Court for recognition of sole bargaining agent.
Section 51	Application to Industrial Court with a view to withdrawal of recognition.
Section 52	Action in pursuance of application under section 51.
Section 53	Order of Industrial Court on report under section 52.
Section 54	Unfair industrial practices relating to pending questions as to recognition of sole bargaining agent.
Section 55	Unfair industrial practices in connection with collective bargaining procedures.
Section 58	Notification of procedure agreements.
Section 59	Offences in connection with regulations under section 58.
Section 60	Machinery for negotiation under other enactments.
Section 76	Application to Industrial Court as to approval of rules.
Section 77	Application to Industrial Court for cancellation of registration on other grounds.
Section 100(2) and (3)	Provision for industrial tribunal regulations.
Section 101	Complaint to Industrial Court of unfair industrial practice.
Section 102(1)(*a*) and subsection (2)(*a*) and (*b*)	Complaint of breach of duty under section 13(1).
Section 105	Special provisions as to certain complaints to Industrial Court.
Section 112	Application to Industrial Court for declaration with respect to collective agreement.
Section 115	Certain appeals to Industrial Court.
Section 116	General principles as to assessment of compensation.
Section 117	Limit on compensation awarded against trade union.
Section 124	Existing Industrial Court renamed Industrial Arbitration Board.
Section 125	Claim to Industrial Arbitration Board in pursuance of order under section 105(5).
Section 127, so far as it relates to section 125.	Award of Industrial Arbitration Board on claim under section 125.
Section 129	Collective agreements.
Section 136(*b*)	Restriction on jurisdiction of Industrial Court.
Section 138	Application to Industrial Court with a view to discontinuing or deferring industrial action.
Section 139	Order of Industrial Court on application under section 138.
Section 140	Supplementary provisions where order made under section 139.

SCHEDULE—(*continued*)

Provisions of the Act	Subject matter of provisions
Section 141	Application to Industrial Court for order for ballot relating to industrial action.
Section 142	Order of Industrial Court on application under section 141.
Section 143	Provisions pending result of ballot ordered under section 142.
Section 144	Conduct of ballot.
Section 145	Supplementary provisions as to conduct and result of ballot.
Section 158, so far as it is not already in operation.	Immunity of confidential information.
Section 159	National security.
Section 160	Review of ballot taken under Part II or Part III.
Section 161	Restrictions on contracting out.
Section 162	Employment under the Crown.
Section 167, so far as it is not already in force.	Interpretation.
Schedule 1	Provisions as to certain closed shop agreements.
In Schedule 3:—	
paragraph 43 so far as it is not already in operation;	Disclosure of information.
paragraph 53 so far as it is not already in operation.	House of Commons Disqualification Act 1957(a).
Schedule 6, except for the purposes of regulations with respect to proceedings in pursuance of appeals under section 12 of the Industrial Training Act 1964(b) and with respect to proceedings to determine any question in pursuance of section 7(5) of the Selective Employment Payments Act 1966(c).	Provisions relating to industrial tribunals.
In Schedule 8 the entries relating to the following Acts:—	Amendments.
The Conspiracy, and Protection of Property Act 1875(d);	
The Trade Union Act 1913(e), so far as it relates to the Trade Union Act 1871(f), section 4;	
The Industrial Courts Act 1919(g);	
The Merchant Shipping Act 1970(h).	

(a) 1957 c. 20.
(b) 1964 c. 16.
(c) 1966 c. 32.
(d) 1875 c. 86.
(e) 1913 c. 30 (2 & 3 Geo. 5).
(f) 1871 c. 31.
(g) 1919 c. 69.
(h) 1970 c. 36.

SCHEDULE—(*continued*)

Provisions of the Act	Subject matter of provisions
In Schedule 9 the entries relating to the following Acts:— The Trade Union Act 1871, section 4; The Trade Union Act 1913, section 1(1), so far as it relates to the Trade Union Act 1871, section 4; The House of Commons Disqualification Act 1957; The Redundancy Payments Act 1965(a), section 46, subsections (1) to (3), except for the purposes of regulations with respect to proceedings in pursuance of appeals under section 12 of the Industrial Training Act 1964 and with respect to proceedings to determine any question in pursuance of section 7(5) of the Selective Employment Payments Act 1966.	Repeals.

(a) 1965 c. 62.

EXPLANATORY NOTE

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

This Order brings into force on 1st December 1971 the provisions of the Industrial Relations Act 1971 specified in the Schedule to the Order and includes transitional provisions. It confers on the National Industrial Relations Court most of its jurisdictions, including those relating to agency shop and approved closed shop agreements, collective bargaining (except sections 56 and 57). recognition and emergency procedures.