

No. 33/1971:

TRADE UNION ACT, 1971

AN ACT TO AMEND AND EXTEND THE TRADE UNION ACT, 1941 .

[10th December, 1971.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

. Definition

1. —In this Act—

"the Act of 1941" means the Trade Union Act, 1941
;

"authorised trade union" has the meaning assigned to
it by section 7 of the Act of 1941;

"the Congress" means the body known as the Irish
Congress of Trade Unions;

"the Minister" means the Minister for Labour,

"trade union" has the same meaning as in the Trade
Union Acts, 1871 to 1952.

Grant of negotiation licence.

2. —(1) Notwithstanding Part II of the Act of 1941
but subject to section 3 of this Act, a body of persons
shall not be granted a negotiation licence under that
Part unless it is a body which, in addition to
fulfilling a condition specified in section 7 (1) (a) of
the Act of 1941, fulfils the following conditions—

(a) that, not less than eighteen months
before the date of the application for
the negotiation licence it—

(i) notifies the Minister, the
Congress and any trade union, of
which any members of the body
are members, of its intention to
make the application,

(ii) causes to be published in at
least one daily newspaper
published in the State a notice in
the prescribed form (within the
meaning of the Act of 1941) of its
intention to make the application,
and

(iii) deposited and kept deposited with the High Court the appropriate sum, and

(b) that it shows to the satisfaction of the Minister that, both at a date not less than eighteen months before the date of the application for the negotiation licence and at the date of that application, it had not less than 500 members resident in the State.

(2) Where after the passing of this Act a trade union is formed consisting wholly or mainly of two or more authorised trade unions which have amalgamated and each of which, immediately before the amalgamation, had been the holder of a negotiation licence, subsection (1) of this section shall not apply to the grant of a negotiation licence to the trade union so formed.

(3) Sections 14 to 16 of the Act of 1941 shall apply in relation to a deposit made with the High Court under this Act as if the deposit were a deposit under the Act of 1941, and in the application of section 15 of the Act of 1941 in relation to a deposit made under this Act "the appropriate sum" shall have the meaning assigned to it by this section.

(4) In this section "the appropriate sum" means the sum appropriate to the number of members of the relevant body in accordance with the Schedule to this Act.

Application to High Court.

3.—(1) A body of persons (in this section referred to as the applicant) which fulfils a condition specified in section 7 (1) (a) of the Act of 1941, and which has deposited and keeps deposited with the High Court the appropriate sum (within the meaning of section 2 of this Act), but otherwise does not fulfil a condition specified in section 2 of this Act, may apply to the High Court for a declaration under this section.

(2) The High Court, after hearing any evidence adduced by the applicant, the Minister, the Congress and any other trade union, may at its discretion declare that the granting of a negotiation licence to the applicant would not be against the public interest.

(3) On the making of a declaration under this section the applicant shall be deemed, for the purposes of section 10 of the Act of 1941, to have been shown to the satisfaction of the Minister to be an authorised trade union.

Expenses.

4. —The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Short title and collective citation.

5. —(1) This Act may be cited as the Trade Union Act, 1971 .

(2) The Trade Union Acts, 1871 to 1952, and this Act may be cited together as the Trade Union Acts, 1871 to 1971.

Section 2 (4).

SCHEDULE

DEPOSITS

1. Where the number of members does not exceed 2,000, the deposit shall be £5,000.
2. Where the number of members exceeds 2,000 but does not exceed 5,000, the deposit shall be £5,000 together with £200 for each additional 300 members (or part of 300 members) in excess of 2,000 members.
3. Where the number of members exceeds 5,000 but does not exceed 10,000, the deposit shall be £7,000 together with £200 for each additional 500 members (or part of 500 members) in excess of 5,000 members.
4. Where the number of members exceeds 10,000 but does not exceed 20,000, the deposit shall be £9,000 together with £200 for each additional 1,000 members (or part of 1,000 members) in excess of 10,000 members.
5. Where the number of members exceeds 20,000 the deposit shall be £11,000 together with £200 for each additional 1,000 members (or part of 1,000 members) in excess of 20,000 members, but subject to an overriding maximum of £15,000.