

# **Lawful Industrial Action (Minor Errors) Bill**

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## EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by John McDonnell, the Member in charge of the Bill, are published separately as Bill 4 – EN.

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**B I L L**

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Amend section 232B of the Trade Union and Labour Relations (Consolidation) Act 1992 to extend the circumstances in which, by virtue of that section, industrial action is not to be treated as excluded from the protection of section 219 of that Act.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Effect of errors in ballots and notices**

- (1) Section 232B of the Trade Union and Labour Relations (Consolidation) Act 1992 (small accidental failures to be disregarded) is amended as follows.
- (2) In paragraph (a) of subsection (1), after “a ballot” insert “or notice”.
- (3) For paragraph (b) of subsection (1) there is substituted— 5  
    “(b) the failure is, or the failures taken together are—  
        (i) such that there has been substantial compliance with the provision or provisions in question, and  
        (ii) on a scale which is unlikely to affect (in the case of a ballot) the result of the ballot or (in the case of a notice) a reasonable recipient’s understanding of the effect of the notice,” 10
- (4) For subsection (2) there is substituted—  
    “(2) The provisions are sections 226 to 232A and 234A; and in subsection (1), “notice” includes information which sections 231 or 231A require to be provided.” 15
- (5) After subsection (2) there is inserted—  
    “(3) In any proceedings in which reliance is placed on this section, any failure to comply with a provision mentioned in subsection (2) is to be treated as meeting the terms of subsection (1)(b) unless the contrary is proved.” 20

**2 Short title and commencement**

- (1) This Act may be cited as the Lawful Industrial Action (Minor Errors) Act 2010.
- (2) This Act comes into force at the end of the period of one month beginning with the day on which it is passed.
- (3) This Act applies in relation to industrial action taking place (or proposed to take place) on or after the day on which it comes into force.

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## B I L L

To amend section 232B of the Trade Union and Labour Relations (Consolidation) Act 1992 to extend the circumstances in which, by virtue of that section, industrial action is not to be treated as excluded from the protection of section 219 of that Act.

*Presented by John McDonnell,  
supported by  
Kate Hoey, Tony Lloyd,  
Mr David Anderson, Michael Connarty,  
Austin Mitchell, Mr Frank Doran,  
Kelvin Hopkins, Jim Sheridan,  
Mr David Crausby, Ian Lavery  
and John Cryer.*

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*Ordered, by The House of Commons,  
to be Printed, 30 June 2010.*

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