

CHAPTER 221.**TRADE UNIONS.****ARRANGEMENT OF SECTIONS.****SECTION.**

1. Short title.
2. Interpretation.
3. Trade union not criminal.
4. Trade union not unlawful for civil purposes.
5. When trade union contracts not enforceable.
6. Certain Ordinances not to apply to trade unions.

REGISTRATION OF TRADE UNIONS.

7. Registrar of trade unions.
8. Registration of trade unions.
9. Compulsory registration and dissolution.
10. Trade unions prohibited from carrying on business unless registered.
11. Methods of registration.
12. Misleading names.
13. Registration of trade unions.
14. Appeal against refusal to register.

CANCELLATION OF REGISTRATION.

15. Cancelling of certificate of registry.

GENERAL PROVISIONS.

16. Registered office of trade unions.
17. Membership of minors.
18. Nomination of person to whom sum not exceeding £50 may be paid at death.
19. Change of name.
20. Amalgamation.
21. Registration of change of name and amalgamations.

ACCOUNTS AND RETURNS.

22. Treasurers and other officers to account.
23. Annual Returns.
24. Copies of accounts under section 22 to be rendered to Registrar.
25. Registrar may call for accounts.

RULES OF TRADE UNIONS.

26. Rules of registered trade unions.
27. Alteration of rules.

RULES.

28. Rules.

OFFENCES AND LEGAL PROCEDURE.

SECTION.

- 29. Circulating false copies of rules an offence.
- 30. Failure to give any notice an offence.
- 31. Jurisdiction.
- 32. General penalty.

FIRST SCHEDULE.

SECOND SCHEDULE.

CHAPTER 221.

TRADE UNIONS.

21 of 1939.
8 of 1944.
18 of 1944.

An Ordinance Relating to Trade Unions.

[1ST JANUARY, 1940.]

Short title.

1. This Ordinance may be cited as the Trade Unions Ordinance, and shall apply to the Colony and Protectorate.

Interpretation.

2. In this Ordinance—

“trade union” means any combination whether temporary or permanent, the principal purposes of which are under its constitution the regulation of the relations between workmen and masters, or between workmen and workmen, or between masters and masters whether such combination would or would not, if this Ordinance had not been enacted have been deemed to have been an unlawful combination by reason of some one or more of its purposes being restraint of trade:

Provided that nothing in this Ordinance

(a) shall affect—

(i) any agreement between partners as to their own business or any trading agreement between employers;

(ii) any agreement between an employer and those employed by him as to such employment;

(iii) any agreement in consideration of the sale of the goodwill of a business or of instruction in any profession, trade or handicraft;

(b) shall preclude any trade union from providing benefits for its members;

“registered” means registered under this Ordinance;

“Registrar” means the Registrar of Trade Unions.

3. The purposes of any trade union shall not, by reason merely that they are in restraint of trade, be deemed to be unlawful so as to render any member of such trade union liable to criminal prosecution for conspiracy or otherwise.

Trade union
not criminal.

4. The purposes of any trade union shall not, by reason merely that they are in restraint of trade, be unlawful so as to render void or voidable any agreement or trust.

Trade union
not unlawful
for civil
purposes.

5. Nothing in this Ordinance shall enable any court to entertain any legal proceeding instituted with the object of directly enforcing or recovering damages for the breach of any of the following agreements—

When trade
union con-
tracts not
enforceable.

(1) Any agreement between members of a registered trade union as such, concerning the conditions on which any members for the time being of such registered trade union shall or shall not sell their goods, transact business, employ, or be employed.

(2) Any agreement for the payment by any person of any subscription or penalty to a registered trade union.

(3) Any agreement for the application of the funds of a registered trade union—

(a) to provide benefits to members; or

(b) to furnish contributions to any employer or workman not a member of such registered trade union, in consideration of such employer or workman acting in conformity with the rules or resolutions of such registered trade union; or

(c) to discharge any fine imposed upon any person by a court of justice.

(4) Any agreement made between one registered trade union and another.

(5) Any bond to secure the performance of any of the above-mentioned agreements.

But nothing in this section shall be deemed to constitute any of the above-mentioned agreements unlawful.

Certain Ordinances not to apply to trade unions. Caps. 249, 254 and 253.

6. The Companies Ordinance, the Friendly Societies Ordinance, and the Cooperative Societies Ordinance shall not apply to any trade union and the registration of a trade union under any of these Ordinances shall be void.

REGISTRATION OF TRADE UNIONS.

Registrar of trade unions.

7. The Governor may appoint such person as he may think fit to be the Registrar of trade unions.

Registration of trade unions.

8. Any five or more members of a trade union may by subscribing their names to the rules of the union, and otherwise complying with the provisions of this Ordinance with respect to registration, register such trade union under this Ordinance:

Provided that if any one of the purposes of such trade union be unlawful such registration shall be void.

Compulsory registration and dissolution.

9. (1) Every trade union shall apply for registration in accordance with the provisions of this Ordinance within two months of its formation and shall be dissolved within three months of the date—

(a) of a notification by the Registrar that he has refused to register the trade union and no appeal is taken from such refusal; or

(b) of a decision of the Governor under section 14 of this Ordinance where the Governor has ordered that the trade union be not registered; or

(c) of a decision of the Governor under the provisions of section 12 where such decision confirms the refusal to register or confirms that a trade union should be struck off the register.

(2) Every trade union required to be dissolved under the provisions of sub-section (1) which is not so dissolved and every officer thereof and every trade union which fails to apply for registration within two months of its formation and every officer and member thereof shall be liable on summary conviction to a fine of five pounds for every day it remains undissolved or for every day in excess of two months of its formation until the trade union applies for registration.

10. (1) No trade union or any member thereof shall perform any act in furtherance of the purposes for which it has been formed unless such trade union has first been registered.

Trade unions prohibited from carrying on business unless registered.

(2) Any trade union or any officer or member thereof who contravenes the provisions of this section shall be guilty of an offence against this Ordinance.

11. The following provisions shall apply with respect to the registration of trade unions and of the rules thereof—

Method of registration.

(1) An application to register the trade union and its rules shall be sent to the Registrar with two copies of the rules and a list of the titles and names of the officers of the trade union.

(2) The Registrar upon receipt of the application shall cause a notice of the same to be published in the *Gazette*.

(3) Upon the expiration of six months from the date of publication of the *Gazette* notice the Registrar shall consider any objections which have been brought to his notice.

(4) The Registrar on being satisfied that no proper objection has been raised and that the trade union has complied with the regulations respecting registry in force under this Ordinance and that the provisions of the rules submitted have been carried out so far as may be, shall, subject to the provisions of sections 12 and 13, register such trade union and rules.

(5) No trade union shall be registered under a name identical with that under which any other existing trade union has been registered or so nearly resembling such name as to be likely to deceive the members or the public.

(6) The Registrar upon registering a trade union shall issue a certificate of registration, which certificate, unless proved to have been withdrawn or cancelled, shall be conclusive evidence that requirements of this Ordinance with respect to registry have been complied with.

12. (1) Except with the consent of the Governor, the Registrar shall not register any trade union which—

Misleading names.

(a) contains the words “Imperial”, “Empire”, “British”, “National”, “Government”, “Chamber of Commerce”, “Building Society” or “Co-operative”; or