

THE TRADE UNION ACT

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THE TRADE UNION ACT

[25th October, 1919.]

Cap. 389.
Law
55 of 1959.
Acts
22 of 1969,
1 of 1979
1st Sch.,
16 of 2002.

Short title.

Interpretation.

1. This Act may be cited as the Trade Union Act.
2. In this Act—

“industrial dispute” means any dispute between employers and workers, or between workers and workers, which is connected with the employment or non-employment, or the terms of employment, or with the conditions of labour, of any person;

16/2002
S. 2 (a).

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

16/2002
S. 2 (b).

Provided that nothing in this Act—

(a) shall effect—

- (i) any agreement between partners as to their own business;
- (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;

16 2002
S 2(d)(1)

“workers” means all persons employed in trade or industry, whether or not in the employment of the employer with whom an industrial dispute arises,

16 2002
S 2(d)(11)

Purposes of
trade union
not unlawful

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.

Agreement or
trust not void
or voidable

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.

Enactments
which shall
not apply to
trade unions

5. The following enactments, that is to say—

- (a) the Friendly Societies Act or any enactment amending or replacing the same;
- (b) the Industrial and Provident Societies Act, and any enactment amending or replacing the same; and
- (c) the Companies Act and any enactment amending or replacing the same,

shall not apply to any trade union, and the registration of any trade union under any of the said enactments shall be void, and the deposit of the rules of any trade union made under the Friendly Societies Act and any enactment amending the same before the passing of this Act, shall cease to be of any effect.

Registered Trade Unions

Trade unions
to be
registered

6.—(1) Upon the establishment of a trade union, it shall be the duty of the committee of management or trustee appointed in that behalf, or in default of any such appointment, the directing authority, by whatever name it may be called, of such union, to make application for registration within thirty days after the date of the establishment of such union. Any person who fails to comply with the requirements of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding ten thousand dollars, and where the

16/2003
S 3(a)

offence is continued after conviction the person shall be guilty of a further offence and shall be liable on summary conviction to a penalty of five hundred dollars for each week during which the offence is so continued.

(2) In the case of a trade union established at the date of the coming into force of this Act, this section shall apply as if the date of the coming into force of this Act were the date of the establishment of such union.

(3) When a penalty is jointly and severally incurred under this section by any number of persons, every such person shall be liable to pay the whole penalty unless the court otherwise directs.

(4) If an application for registration of a trade union has not been made as required by this Act or if registration of a trade union has been refused or cancelled, every member of such trade union who continues as a member thereof, and every person who takes part in any meeting or proceedings of a trade union, knowing that such union is not registered under this Act, shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five hundred dollars.

16/2002
S. 3 (b).

7. It shall be lawful for any trade union registered under this Act to purchase or take upon lease in the name of the trustees for the time being of such union any land and to sell, exchange, mortgage or let the same, and no purchaser, assignee, mortgagee, or tenant shall be bound to inquire whether the trustees have authority for the sale, exchange, mortgage, or letting, and the receipt of the trustees shall be a discharge for the money arising therefrom; and for the purpose of this section every branch of a trade union shall be considered a distinct union.

Registered
union may
deal in land.

Real and personal estate shall be vested in trustees.

8. All real and personal estate whatsoever belonging to any trade union registered under this Act shall be vested in the trustees for the time being of the trade union appointed as provided by this Act, for the use and benefit of such trade union and the members thereof, and the real or personal estate of any branch of a trade union shall be vested in the trustees of such branch or of the trustees of the trade union if the rules of the trade union so provide and be under the control of such trustees, their respective executors or administrators, according to their respective claims and interests, and upon the death or removal of any such trustees the same shall vest in the succeeding trustees for the same estate and interest as the former trustees had therein, and subject to the same trusts without any conveyance or assignment whatsoever, save and except in the case of stocks and securities in the public funds of this Island which shall be transferred into the names of such new trustees; and in all actions, or suits, or indictments, or summary proceeding before any court of summary jurisdiction, touching or concerning any such property, the same shall be stated to be the property of the person or persons for the time being holding the said office of trustee, in their proper names, as trustees of such trade union, without any further description.

The trustees empowered to bring and defend actions and prosecutions.

9. The trustees of any trade union registered under this Act, or any other officer of such trade union who may be authorized so to do by the rules thereof, are hereby empowered to bring or defend, or cause to be brought or defended, any action, suit, prosecution, or complaint in any court of law or equity, touching or concerning the property, right, or claim to property of the trade union; and shall and may, in all cases concerning the real or personal property of such trade union, sue and be sued, plead and be impleaded, in any court of law or equity, in their proper names, without other description than the title of their office, and no such action, suit, prosecution, or complaint shall be discontinued or shall abate by the death or removal from office of such persons or any of them, but the same shall and may be proceeded in by their successor or successors, as if such death,

resignation, or removal had not taken place; and such successors shall pay or receive the like costs as if the action, suit, prosecution, or complaint had been commenced in their names for the benefit of or to be reimbursed from the funds of such trade union, and the summons to be issued to such trustee or other officer may be served by leaving the same at the registered office of the trade union.

10. A trustee of any trade union registered under this Act shall not be liable to make good any deficiency which may arise or happen in the funds of such trade union, but shall be liable only for the moneys which shall be actually received by him on account of such trade union.

Limit of
trustees'
liability.

11. Every treasurer or other officer of a trade union registered under this Act, at such time as by the rules of such trade union he should render such account as hereinafter mentioned, or upon being required so to do, shall render to the trustees of the trade union, or to the members of such trade union, at a meeting of the trade union, a just and true account of all moneys received and paid by him since he last rendered the like account, and of the balance then remaining in his hands, and of all bonds or securities of such trade union, which account the said trustees shall cause to be audited by some fit and proper person or persons by them to be appointed; and such treasurer, if thereunto required, upon the said account being audited, shall forthwith hand over to the said trustees the balance which on such audit appears to be due from him, and shall also, if required hand over to such trustees all securities and effects, books, papers and property of the said trade union in his hands or custody, and if he fails to do so the trustees of the said trade union may sue such treasurer in any competent court for the balance appearing to have been due from him upon the account last rendered by him,

Officers to
render
accounts.

and for all the moneys since received by him on account of the said trade union, and for the securities and effects, books, papers and property in his hands or custody, leaving him to set off in such action the sums, if any, which he may have since paid on account of the said trade union; and in such action the said trustees shall be entitled to recover their full costs of suit, to be taxed as between solicitor and client.

Liability for
misapplying
property, etc.,
of a trade
union.

12. If any officer, member or other person being or representing himself to be a member of a trade union registered under this Act, or the nominee, executor, administrator, or assignee of a member thereof, or any person whatsoever, by false representation or imposition obtain possession of any moneys, securities, books, papers, and other effects of such trade union, or having the same in his possession, wilfully withhold or fraudulently misapply the same, or wilfully apply any part of the same to purposes other than those expressed or directed in the rules of such trade union, or any part thereof, the Resident Magistrate's Court for the place in which the registered office of the trade union is situated or for the place where the offence had been committed, upon a complaint made by any person on behalf of such trade union, or by the Registrar, may by summary order, order such officer, member or other person to deliver up all such moneys, securities, books, papers or other effects to the trade union, or to repay the amount of money applied improperly, and to pay, if the Court think fit, a further sum of money not exceeding twenty thousand dollars and, in default of such delivery of effects, or repayment of such amount of money or payment of such penalty, the said Court may order the said person so convicted to be imprisoned with or without hard labour for any term not exceeding three months:

16/2002
S.5 (a)

Provided that nothing herein contained shall prevent the said trade union from proceeding by indictment against the said party; and also, that no person shall be proceeded against by indictment if a conviction shall have been previously obtained for the said offence under the provisions of this Act.

12A. Any person, who impersonates any officer of a trade union shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Penalty for impersonating trade union officer.
16/2002
S. 6.

Registry of Trade Unions

13. With respect to the registry under this Act of a trade union and of the rules thereof the following provisions shall have effect—

Provisions for registration.

- (a) An application to register the trade union and printed copies of the rules, together with a list of the titles and names of the officers, shall be sent to the Registrar under this Act.
- (b) The Registrar upon being satisfied that the objects of the trade union are lawful and that the trade union has complied with the regulations respecting registration in force under this Act, shall register such trade union and such rules.
- (c) No trade union shall be registered under a name identical with that by 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.
- (d) Where a trade union applying to be registered has been in operation for more than a year before the date of such application, there shall be delivered to the Registrar before the registry thereof a general statement of the receipts, funds, effects, and expenditure of such trade union in the same form, and showing the same particulars as if it were the annual general statement required as hereinafter mentioned to be transmitted annually to the Registrar.

- (e) The Registrar upon registering such trade union shall issue a certificate of registry, which certificate, unless proved to have been withdrawn or cancelled, shall be conclusive evidence that the regulations of this Act with respect to registry have been complied with.
- (f) The Minister may from time to time make regulations respecting registry under this Act, and respecting the seal (if any) to be used for the purpose of such registry, and the forms to be used for such registry, and the inspection of documents kept by the Registrar under this Act, and respecting the fees, if any, to be paid on registry, not exceeding the fees specified in the First Schedule, and generally for carrying this Act into effect.

First
Schedule.

Rules.

14. With respect to the rules of a trade union registered under this Act, the following provisions shall have effect—

- (a) The rules of each such trade union shall contain provisions in respect of the several matters mentioned in the Second Schedule.

Second
Schedule.

- (b) A copy of the rules shall be delivered by the trade union to every person on demand on payment of such sum as from time to time may be determined by the trade union.

16/2002
S. 7.

Registered
office of trade
union.

15. Every trade union registered under this Act shall have a registered office to which all communications and notices may be addressed; if any trade union under this Act is in operation for seven days without having such an office, such trade union and every officer thereof shall each incur a penalty not exceeding five hundred dollars for everyday during which it is so in operation.

16/2002
S. 8.

Notice of the situation of such registered office, and of any change therein, shall be given to the Registrar and recorded by him and until such notice is given the trade union shall not be deemed to have complied with the provisions of this Act.

16.—(1) The treasurer of every trade union (or such other officer as is designated in that behalf by the rules of the trade union), shall, on or before the 1st day of August in every year, cause to be received by the Registrar—

Statement of
accounts
and audit
certificate to
be
transmitted
to Registrar
22/1969
S. 2 (a)

(a) a statement, in the prescribed form, of the revenue and expenditure of the trade union during the twelve months preceding the date of such statement;

(b) a statement, in the prescribed form, of the assets and liabilities of the trade union at the date of the statement required by paragraph (a) of this subsection;

(c) an audit certificate, in the prescribed form, by an auditor approved from time to time by the Minister on the recommendation of the trade union for the purpose, to the effect that such statement of revenue and expenditure and such statement of assets and liabilities have each been audited by such auditor, who has had access to and has checked all accounts, receipts, vouchers and books of the trade union relating to transactions during the twelve months in respect of which the statements are made up, and that such statements have been found to be true and correct;

22/1969
S. 2(b)

(d) a list of the members of the trade union at the date of such statements;

(e) a return relating to the period of twelve months immediately preceding the date of such statements, and showing—

(i) all new rules of the trade union and all alterations to existing rules, made during the period; and

(ii) all changes in the officers and trustees of the trade union during the period.

16/2002
S. 10

(2) In addition to the statements, accounts, certificate, list and return required by the provisions of subsection (1), the Registrar may at any time by order in writing require the treasurer or any other officer of a trade union to deliver to him, by a date to be specified by the Registrar, detailed accounts of the revenue, expenditure, assets, liabilities and funds of the trade union in respect of any period specified in such order, and any accounts so rendered shall furnish such details and information, and be supported by such documents, as the Registrar in any case may require.

(3) Every member of, and depositor in, any trade union shall be entitled to receive, on application to the treasurer or secretary of the trade union, a copy of all or any of the statements and accounts, and of the certificate, lists and return provided for by this section, without making any payment therefor.

(4) Every trade union which, and every officer of a trade union who, contravenes or fails to comply with any of the provisions or requirements of subsection (1), or of an order of the Registrar under subsection (2), and every treasurer and secretary of a trade union who fails to comply with an application made under subsection (3), shall be guilty of an offence against this Act, and on conviction therefor, shall be liable to a fine not exceeding twenty thousand dollars for each such offence.

(5) Upon a conviction for any offence under the provisions of subsection (4), the Resident Magistrate may order the offending trade union or any specified officer thereof (whether or not such officer has been convicted) to deliver to the Registrar by a specified date (which shall not be earlier than fourteen days from the date of the order)—

- (a) all or any of the statements, accounts, certificate, list and return referred to in subsection (1), in cases where the conviction relates to an offence in respect of the provisions of such subsection;

16.2002
S.9 (a).

(b) all or any of the accounts, statements, details, information and documents referred to in any order made by the Registrar under subsection (2), in cases where the conviction relates to an offence in respect of a failure to comply with any such order,

and any trade union which, and any officer of a trade union who, fails to comply with such order shall, in respect of such failure be guilty of an offence against this Act, and on conviction therefor shall be liable to a fine not exceeding five hundred dollars in respect of each day or part of a day, during which such failure shall have continued.

16/2002
S. 9 (b).

(6) Any person who wilfully makes or causes to be made any false entry in, or any omission from, any of the statements, accounts certificates, lists, returns or rules required by this section shall be guilty of an offence against this Act, and shall be liable on conviction to a fine not exceeding fifty thousand dollars for each offence.

16/2002
S 9 (c)

(7) The Registrar may make rules providing for the forms to be used for the purposes of this section, and the forms in such rules shall respectively be the 'prescribed forms' referred to in this section.

Registrar and Register

17. The Deputy Keeper of the Records shall keep in the Record Office, a register of all trade unions registered under this Act and shall be the Registrar under this Act.

Register to
be kept in
Record
Office

Legal Proceedings

18. If any person with intent to mislead or defraud gives to any member of a trade union registered under this Act, or to any person intending or applying to become a member of such trade union, a copy of any rules or of any alterations or amendments of the same other than those respectively which exist for the time being, on the pretence that the same are the existing rules of such trade union, or if any person with the intent aforesaid gives

Liability for
misleading
persons.

a copy of any rules to any person on the pretence that such rules are the rules of a trade union registered under this Act which is not so registered, every person so offending shall be deemed guilty of a misdemeanour.

How offences may be prosecuted and penalties recovered

19. Where not otherwise specifically provided all offences and penalties under this Act may be prosecuted and recovered in a summary manner before a Resident Magistrate.

Provisions for appeal

20. If any party feels aggrieved by any order or conviction made by a Resident Magistrate's Court on determining any complaint or information under this Act, the party so aggrieved may appeal therefrom, subject to the conditions and regulations following—

- (a) the appeal shall be made to the Court of Appeal;
- (b) the appellant shall within twenty-one days after the cause of appeal has arisen give notice to the other party and to the Clerk of the Courts of his intention to appeal and of the ground thereof;
- (c) the appellant shall immediately after such notice enter into a recognizance before a Justice of the Peace in the sum of ten thousand dollars with two sufficient sureties in the sum of ten thousand dollars conditioned personally to try such appeal and to abide the judgment of the Court thereon and to pay such costs as may be awarded by the Court;
- (d) where the appellant is in custody the Justice may, on the appellant entering into such recognizance as aforesaid, release him from custody;

16/2002
S 11

(e) the Court of Appeal upon the hearing thereof may confirm, reverse or modify the decision of the Resident Magistrate's Court or remit the matter to the Resident Magistrate's Court with the opinion of the Court of Appeal thereon or make such other order in the matter as the Court thinks just, and if the matter be remitted to the Resident Magistrate's Court the said last-mentioned Court shall re-hear and decide the information or complaint in accordance with the opinion of the said Court of Appeal. The Court of Appeal may make such order as to costs to be paid by either party as the Court thinks just.

Transfer to new Trustees

21. When any person, being or having been a trustee of a trade union or of any branch of a trade union, and whether appointed before or after the legal establishment thereof, in whose name any stock belonging to such union or branch transferable at any bank in this Island is standing either jointly with another or others, or solely, is absent from this Island, or becomes bankrupt, or files any petition or executes any deed for liquidation of his affairs by assignment or arrangement or for composition with his creditors, or becomes a lunatic, or is dead, or has been removed from his office of trustee, or if it be unknown whether such person is living or dead, the Registrar on application in writing from the secretary and three members of the union or branch, and on proof satisfactory to him, may direct the transfer of the stock into the names of any other persons as trustees for the union or branch; and such transfer shall be made by the surviving or continuing trustees, and if there be no such trustee, or if such trustee refuse or be unable to make such transfer, and the Registrar so direct, then the manager of any such bank and the bank is hereby indemnified for anything done by it or any of

Transfer to
new trustees.

its officers in pursuance of this provision against any claim or demand of any person injuriously affected thereby.

Withdrawal or Cancellation of Certificate

When certificate of registration shall be withdrawn or cancelled.

22. No certificate of registration of a trade union shall be withdrawn or cancelled otherwise than by the Registrar of trades unions; and in the following cases—

- (a) at the request of the trade union to be evidenced in such manner as such Registrar shall from time to time direct;
- (b) on proof to his satisfaction that a certificate of registration has been obtained by fraud or mistake, or that such trade union has wilfully and after notice from the Registrar, violated any of the provisions of this Act, or has ceased to exist.

Not less than two months' previous notice in writing, specifying briefly the ground of any proposed withdrawal or cancelling of a certificate shall be given by the Registrar to a trade union before the certificate of registration of the same can be withdrawn or cancelled (except at its request).

55/1959
S. 3.

A trade union whose certificate of registration has been withdrawn or cancelled shall, from the time of such withdrawal or cancelling, cease, subject to an appeal under section 24, to enjoy as such the privileges of a registered trade union, but without prejudice to any liability actually incurred by such trade union, which may be enforced against the same as if such withdrawal or cancelling had not taken place.

Procedure and Appeals after Refusal to Register, or after Withdrawal or Cancellation of Certificate

Notice after refusal to register, or after withdrawal or cancellation.
55/1959
S. 4.

23. Where the Registrar refuses to register a trade union upon application sent to him under section 13, or withdraws or cancels the certificate of registration of a trade

union, he shall forthwith inform the trade union by registered letter that he has refused to register such trade union, or that he has withdrawn or cancelled the certificate of registration of such trade union.

24.—(1) Any person aggrieved by the refusal of the Registrar to register a trade union, or by the withdrawal or cancellation of the certificate of registration of a trade union may, except where such certificate was withdrawn or cancelled at the request of the trade union, within twenty-one days after the date on which the trade union is informed by registered letter of such refusal or of such withdrawal or cancellation, appeal against such refusal or such withdrawal or cancellation to a Judge in Chambers who shall give such directions in the matter as he shall think proper, including a direction as to the costs of the appeal.

Appeals.
55/1959
S. 4.

(2) For the purpose of any appeal under this section the proceedings may be brought against the Registrar and the practice and procedure governing such appeal shall be in accordance with rules of court made for the purpose under subsection (3).

(3) Rules of court may be made regulating appeals under this section and all matters incidental thereto.

Membership of Minors

25. A person under the age of eighteen, but above the age of sixteen, may be a member of a trade union, unless provision be made in the rules thereof to the contrary, and may, subject to the rules of the trade union, enjoy all the rights of a member except as herein provided, and execute all instruments and give all acquittances necessary to be executed or given under the rules, but shall not be a member of the committee of management, trustee, or treasurer of the trade union.

Persons
under
eighteen
may be
members.
1/1979
1st Sch.

Nomination

Power to
nominate
persons to
receive
moneys on
death.

26. A member of a trade union not being under the age of sixteen years may, by writing under his hand, delivered at, or sent to, the registered office of the trade union, nominate any person not being an officer or servant of the trade union (unless such officer or servant is the husband, wife, father, mother, child, brother, sister, nephew, or niece of the nominator), to whom any moneys payable on the death of such member not exceeding one hundred dollars shall be paid at his decease, and may from time to time revoke or vary such nomination by a writing under his hand similarly delivered or sent; and on receiving satisfactory proof of the death of a nominator, the trade union shall pay to the nominee the amount due to the deceased member not exceeding the sum aforesaid.

Change of Name and Amalgamation

Name may
be changed.

27. A trade union may, with the approval in writing of the Registrar change its name by the consent of not less than two-thirds of the total number of members.

No change of name shall affect any rights or obligation of the trade union or of any member thereof, and any pending legal proceedings may be continued by or against the trustees of the trade union or any other officer who may sue or be sued on behalf of such trade union notwithstanding its new name.

Unions may
amalgamate.

28. Any two or more trade unions may by the consent of not less than two-thirds of the members of each or every such trade union become amalgamated together as one trade union with or without any dissolution or division of the funds of such trade unions, or either or any of them; but no amalgamation shall prejudice any right of a creditor of either of any union party thereto.

29. Notice in writing of every change of name or amalgamation signed, in the case of a change of name by seven members, and countersigned by the secretary of a trade union changing its name and accompanied by a statutory declaration by such secretary that the provisions of this Act in respect of changes of name have been complied with, and in the case of any amalgamation signed by seven members, and countersigned by the secretary of each or every union party thereto, and accompanied by a statutory declaration by each or every such secretary that the provisions of this Act in respect of amalgamation have been complied with, shall be sent to the Registrar for registration, and until such change of name or amalgamation is so registered the same shall not take effect.

Notice of
change of
name or of
amalgama-
tion

Dissolution of Union

30. The rules of every trade union shall provide for the manner of dissolving the same and notice of every dissolution of a trade union under the hand of the secretary and seven members of the same, shall be sent within fourteen days thereafter to the Registrar and shall be registered by him.

Dissolving a
union

Failure to give or send notices, etc.

31. A trade union which fails to give any notice or send any document which it is required by this Act to give or send, and every officer or other person bound by the rules thereof to give or send the same, or if there be no such officer, then every member of the committee of management of the union, unless proved to have been ignorant of, or to have attempted to prevent the omission to give or send the same, is liable to a penalty of not less than two hundred dollars and not more than one thousand dollars recoverable at the suit of the Registrar or of any person aggrieved, and to an additional penalty of the like amount for each week during which the omission continues.

Penalty for
failing to
give notice,
etc

16/2002
S. 12 (a)(b)

Procedure in conducting disputes

Intimidation
or annoyance
16/2002
S 13

32.—(1) Every person who in contemplation or furtherance of an industrial dispute and, with a view to compelling any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing, wrongfully and without legal authority—

- (a) uses violence to or intimidates such other person or his wife or children or injures his property; or
- (b) persistently follows such other person from place to place; or
- (c) hides any tools, clothes or other property owned or used by such other person, or deprives him of or hinders him in the use thereof; or
- (d) watches or besets the house or other place where such other person resides or works or carries on business or happens to be or the approach to such house or place; or
- (e) follows such other person with two or more other persons in a disorderly manner in or through any street or road,

shall be guilty of an offence against this Act and on summary conviction before a Resident Magistrate shall be liable to a fine not exceeding twenty thousand dollars and in default of payment to imprisonment with or without hard labour for a term not exceeding three months.

16/2002
S 13

(2) Attending at or near any house or place in such numbers or in such manner as is by subsection (1) of section 33 declared to be unlawful shall be deemed to be a watching or besetting of that house or place within the meaning of this section.

Peaceful
picketing and
prevention of
intimidation,
etc

33.—(1) Subject to the provisions of subsection (2) it shall be lawful for one or more persons, acting on their own behalf or on behalf of a trade union or of an individual employer or firm in

contemplation or furtherance of an industrial dispute, to attend at or near a house or place where a person resides or works or carries on business or happens to be, if they so attend merely for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or abstain from working: 16/2002
S. 14 (a).

Provided that it shall not be lawful for one or more persons (whether acting on their own behalf or on behalf of a trade union or of an individual employer or firm, and notwithstanding that they may be acting in contemplation or furtherance of an industrial dispute) to attend at or near a house or place where a person resides or works or carries on business or happens to be, for the purpose of obtaining or communicating information or of persuading or inducing any person to work or to abstain from working, if they so attend in such numbers or otherwise in such manner as to be calculated to intimidate any person in that house or place, or to obstruct the approach thereto or egress therefrom, or to lead to a breach of the peace; and any person who acts in contravention of this proviso shall be liable on summary conviction before a Resident Magistrate to a penalty not exceeding ten thousand dollars, or to be imprisoned for a term not exceeding three months, with or without hard labour. 16/2002
S. 14 (a).

16/2002
S. 14 (b).

(2) It shall not be lawful for one or more persons acting on their own behalf or on behalf of a trade union or of an individual employer or firm, in contemplation or furtherance of an industrial dispute, to attend at or near a house or place where a person resides or works or carries on business or happens to be, for the purpose of obtaining or communicating information or persuading or inducing any person to work or to abstain from working unless every person so attending— 16/2002
S. 14 (a).

(a) is the employer or a member of the firm by or with which such industrial dispute is contemplated or has occurred; or 16/2002
S. 14 (a).

- 16/2002
S. 14 (a).
- 16/2002
S. 14 (a).
- 16/2002
S. 14 (a).
- 16/2002
S. 14 (c).
16/2002
S. 14 (a).
- (b) is, or immediately before the first act of picketing in relation to such industrial dispute was, a workman in the employ of the employer or firm by or with which such industrial dispute is contemplated or has occurred in the trade or industry in which such industrial dispute was contemplated or has occurred; or
- (c) was a worker in the employ of the employer or firm by or with which such industrial dispute is contemplated or has occurred during the twelve months next before the first act of picketing in relation to such dispute for one or more periods aggregating not less than thirty working days; or
- (d) is an officer of a trade union registered under this Act provided that not more than eight such officers are so in attendance.

16/2002
S. 14 (b).

Any person who acts in contravention of this subsection shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding ten thousand dollars and in default of payment to imprisonment with or without hard labour for a term not exceeding three months.

(3) In this section the expression “to intimidate” means to cause in the mind of a person a reasonable apprehension of injury to him or to any member of his family or to any of his dependants or of violence or damage to any person or property, and the expression “injury” includes injury to a person in respect of his business, occupation, employment or other source of income, and includes any actionable wrong.

(4) Notwithstanding anything in any enactment it shall not be lawful for one or more persons, for the purpose of inducing any person to work or to abstain from working, to watch or beset a house or place where a person resides or the approach to such a house or place, and any person who acts in contravention of this subsection shall be liable on summary

conviction before a Resident Magistrate to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding three months.

16/2002
S 14 (b)

(5) In this section “picketing” means attendance at or near any house or place in contemplation or furtherance of an industrial dispute for the purpose of peacefully obtaining or communicating information or of peacefully persuading any person to work or not to work.

16/2002
S 14 (a)

34. An act done by a person in contemplation or furtherance of an industrial dispute shall not be actionable on the ground only that it induces some other person to break a contract of employment or that it is an interference with the trade, business, or employment of some other person, or with the right of some other person to dispose of his capital or his labour as he wills.

Removal of
liability for
interfering
with another
person's
business
16/2002
S 15

35.—(1) An action against a trade union, whether of workers or masters, or against any member or officials thereof on behalf of themselves and all other members of the trade union in respect of any tortious act alleged to have been committed by or on behalf of the trade union, shall not be entertained by any court.

Prohibition
of actions of
tort against
trade
unions
16/2002
S 16 (a)

(2) Nothing in this section shall affect the liability of the trustees of a trade union to be sued in the events provided for by section 9, except in respect of any tortious act committed by or on behalf of the union in contemplation or in furtherance of an industrial dispute.

16/2002
S 16 (b)

36.—(1) The Minister may make regulations generally for carrying out the object and purposes of this Act.

Regulations
16/2002
S 17

(2) Any person who contravenes any provisions of the regulations shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

TRADE UNIONS

(Section 13(f))

16 2002
S 18.

FIRST SCHEDULE

<i>Fees</i>	\$
For registering trade union	1,000.00
For registering alteration in rules	500.00
For inspection of documents	100.00

(Section 14)

SECOND SCHEDULE

*Matters to be provided for by the Rules of Trade Unions registered
under this Act*

1. The name of the trade union and place of meeting for the business of the trade union.
2. The whole of the objects for which the trade union is to be established, the purposes for which the funds thereof shall be applicable, and the conditions under which any member may become entitled to any benefits assured thereby, and the fines and forfeitures to be imposed on any member of such trade union.
3. The manner of making, altering, amending and rescinding rules.
4. The appointment and removal of a general committee of management, of a trustee or trustees, a treasurer and other officers, and the duties of such committee, trustees, treasurer and officers.
5. The keeping of books and accounts as required by this Act, and the investment of the funds of the trade union.
6. The inspections of the books and names of members of the trade union by every person having an interest in the funds of the trade union.