1. At their Meeting on May 19th 1926 (Cabinet 33(26) Conclusion 7) the Cabinet agreed to refer the question of legislation as to Trade Unions raised in the Lord Chancellor's Memorandum (C.P. 204(26)) to a Cabinet Committee composed as follows:—

   The Lord Chancellor (in the Chair)
   The Chancellor of the Exchequer
   The Secretary of State for Home Affairs
   The Secretary of State for War
   The Secretary of State for India
   The First Lord of the Admiralty
   The President of the Board of Trade
   The Minister of Labour
   The Attorney General.

2. The Committee are satisfied that a Bill should be introduced into Parliament as soon as practicable. Without legislation it is impossible for the Government to keep its promise of protection to those members of Trade Unions who continued at work during the General Strike; and there are other matters with which it is desirable to deal while the memory of the strike is fresh in the public mind. If legislation is postponed until after the holding of an enquiry, it may never be passed.

3. At the same time the Committee think it essential that any legislation which may be introduced in the near future should be such as will command the support
of the great mass of public opinion, including that of
the moderate trade unionist, and that it shall not be
capable of being represented as having a party character.
They have accordingly confined their proposals within
narrow limits.

4. Legislation on the lines of the Illegal Strikes
   Bill, already approved in principle by the Cabinet
   (Cabinet 26(26) Conclusion 1) is the most urgent matter.
   The effect will be to declare a strike which is not
directed solely to the maintenance or improvement of the
conditions of the industry in which the strikers are
engaged, but is intended to intimidate or coerce the
Government or the community, to be illegal, and to provide
that such a strike shall not have the protection of the
Trade Disputes Act 1906 and that the application of trade
union funds in support of it may be restrained by the
Court at the instance of the Attorney General, or, in
Scotland, of the Lord Advocate.

5. Recent events have produced a strong public demand
   for legislation providing that the protection of the
   Trade Disputes Act shall not apply to a strike not
   sanctioned by a secret ballot of the union affected.
   Such a provision is contained in the rules of many of
   the registered unions; but it is often violated (e.g., by
   the Associated Society of Locomotive Engineers and
   Firemen and the Miners' Unions in the recent strike),
   and even when a ballot is taken, secrecy is not always
   secured. Moreover registration is optional and about
   one half of the trade unions are still unregistered.
6. The main argument against the principle of a compulsory secret ballot is based on the view that the surest way of diminishing the number of strikes is to strengthen the Executives of the Unions by giving them responsibility for decisions. The supporters of this view allege that the Executives rarely call stoppages arbitrarily; that the removal of the Executives' present veto would not only increase the number of strikes but would facilitate the official recognition of strikes which now have to remain unofficial, and that the effect in many cases of taking the ballot would be to tie the hands of the Executive and so increase the difficulty of reaching a settlement.

7. In view of these and other considerations, the Committee thought it desirable to confer on the question of the secret ballot with some representative employers, and Lord Weir and Sir Andrew Duncan were good enough to attend and discuss the matter. Speaking for themselves only, these gentlemen concurred in the opinion that a secret ballot would be ineffective in remedying any of the essential evils of the present situation. In their view the disadvantages of such machinery outweighed the advantages, and while not ruling out the advisability of secret ballot machinery as part of a reorganised trade union system, they deprecated the institution of a compulsory ballot until after exhaustive enquiry.
8. After careful review, the Committee by a majority reached the conclusion that the considerations indicated above are outweighed by the urgent need for a statutory secret ballot and for enacting that strikes which take place without such a ballot shall be unauthorised strikes and shall be deprived of the protection of the Trade Disputes Act.

9. It has been suggested to the Committee that the ballot papers should be issued and the votes received by a Public authority, e.g. by the Chief Registrar of Friendly Societies. While it may be questionable whether that secrecy which is essential can be obtained in any other way than by means of a ballot system conducted by the State, the expense and complications inherent in any such a system render its adoption undesirable if this can possibly be avoided. A State ballot would, for example, render necessary the creation and maintenance of a register of the membership of all Trade Unions (which is constantly changing). The State would have to assume responsibility not merely for the conduct of the ballot but for the form of the ballot paper, and would probably be forced sooner or later to bear the greater part, if not the whole, cost of the service, — an annual charge, which having regard to the number of ballots and the complexity of the administration, could not fail to be very substantial.
the Committee feel unable to recommend the Cabinet to adopt a State ballot system; and they suggest the following plan, which leaves the ballot arrangements under the management of the Trade Unions subject to the general supervision and control of the Chief Registrar and prescribes certain safeguards which, in the opinion of the Committee will go far to secure the secrecy and proper conduct of future Trade Union strike ballots. It is accordingly proposed that the Bill should provide:

(a) That all Trade Unions be registered - a provision which would have the additional advantage of securing that every Union shall in future make an annual financial return to the Chief Registrar.

(b) That the Chief Registrar shall make regulations prohibiting the Executive or other Authority from declaring a strike except with the previous approval of a secret ballot of the Union or Branch affected, in which at least 50 per cent of the Members of the Union or Branch entitled to vote actually vote; the decision to strike only being carried when the votes recorded in favour of a strike exceed by 20 per cent or more the votes against a strike.

(c) That the rules shall, among other things, provide that every qualified member of the Union directly affected by the proposed strike shall be entitled to vote and shall have an equal right, and if reasonably practicable, a fair opportunity, of voting; that the form of every ballot paper shall be such as to show plainly whether the voter is or is not in favour of striking; that the ballot paper together with an envelope addressed
to the Chief Registrar shall be sent by post to every voter entitled to vote addressed to the voter at his last known place of abode. That ballot papers shall be completed by the voters and sent by them by post direct to the Chief Registrar. That a return shall be made to the Chief Registrar by the Secretary or other official of the Trade Union or Branch showing the number of voters entitled to vote and the number of ballot papers issued to voters. That the votes shall be counted and the result ascertained and declared by the Chief Registrar or some person nominated by him.

(d) That every ballot paper sent by post to or by a voter shall be exempt from postage.

(e) That the provisions of the Ballot Act 1872 for securing secrecy and freedom from interference in voting shall apply to ballots under the Act.

(f) That persons contravening the regulations shall be guilty of an offence.

(g) That any strike which shall not have been approved by a ballot taken in accordance with the rules shall be deemed to be an unauthorised strike and the Trade Disputes Act shall not apply to it.

ll. The Bill should also provide that no person refusing to take part in an illegal or unauthorised strike shall by reason of such refusal be expelled from his union or be subjected to any fine, penalty or disability, and empowering a person aggrieved by a breach of this provision to take proceedings for enforcing his rights. As workmen who are illegally dealt with may be reluctant or unable to incur the
risk and expense of litigation, the Committee are of opinion that power should be given to an aggrieved member of a trade union, in lieu of taking legal proceedings, to make a complaint to the Chief Registrar, who shall have power (as under Section 3, Sub-section 2 of the Trade Union Act 1913) to make an order remedying the breach. Further, as a trade unionist who has been wrongfully expelled may feel that if he is restored by the Chief Registrar to membership he will be in danger of suffering further injustice from his fellow-members, the Committee think that the Registrar should be authorised, in lieu of making an order for restoration, to order that he be paid out of the funds of the Union a sum based on his contributions to the Union funds.
12. The Committee have been furnished, among other documents, with a Memorandum by the Treasury on Trade Unionists in the Civil Service, and also with a Memorandum by the Minister of Health on the action of certain Local Authorities requiring their employees to be members of Trade Unions. Copies of these memoranda are annexed to this report (Appendices I and II). The Committee are impressed with the serious danger to the public interest arising out of the entanglement of Civil Service Associations with outside industrial and political bodies, and with the urgent need of prohibiting such connections by legislation which cannot readily be altered on the change of Government. It is in effect suggested that (subject to certain specified exceptions) Civil Servants should be forbidden by law from joining Associations other than those the membership of which is confined to the Civil Service and which have no connection, direct or indirect, with outside political or other bodies. With regard to Local Authority employees, the Committee favour the adoption of the third suggestion in the Minister of Health's Memorandum forbidding a Local Authority from making the employment or the continuance of the employment of any of its servants conditional upon membership of a Trade Union. The Committee also consider that any person employed by a Local Authority who wilfully breaks his contract of service with that Authority should be guilty of an offence punishable by a fine or imprisonment.

13. While the Committee are agreed that statutory provisions of the kind indicated in the previous paragraph are urgently necessary, they feel some doubt whether these provisions should be incorporated in the present Bill. There is much to be said for embodying them in separate legislation. This question might be further considered before the introduction of the Bill. In the meantime the Committee have attached to the Bill draft clauses for giving effect to these recommendations.
14. The Committee have given consideration to the question of picketing during strikes, upon which the Home Secretary recently submitted a Memorandum (S.T. (24) 15) to the Cabinet; and the Committee are upon the whole in agreement with the conclusions of that Memorandum. They do not doubt that the right of 'peaceful persuasion' reserved to Trade Unions by Section 2 of the Trade Disputes Act, 1906, and to some extent (as the Memorandum shows) by previous legislation and judicial decision, is not infrequently abused - and especially in the case of 'home picketing', which may easily take the form of intimidation of the wives of dependants of workmen. But in fact these abuses are already prohibited by law and receive the attentions of the police; and the Committee doubt whether a proposal that the practice of peaceful persuasion, which is abundantly followed by all the political parties, shall be rendered criminal in any industrial dispute, would receive the approval of Parliament. This, however, appears to some members of the Committee to deserve further and more detailed consideration.

15. It was proposed to the Committee that Section 4 of the Trade Disputes Act, 1906, which prohibits all actions of tort against Trade Unions, should now be repealed. The Committee are unanimous in holding that this enactment, which gives to Trade Unions alone an immunity against the civil consequences
of wrong-doing, cannot in principle be defended; but the opinion has prevailed in the Committee that a proposal now to repeal the section would be construed as an attack upon Trade Unions generally and might only result in the return at the next election of a Government pledged to restore it. The Committee have therefore not included this proposal in their recommendations; nor have thought this a convenient time in which to deal with the question of the political levy.

16. The Committee are aware that proposals have been made for applying to industrial disputes the principle of compulsory arbitration, or for the universal establishment of wages boards; but they are of opinion that the consideration of these far-reaching reforms must be postponed until a later date.

17. The Committee submit to the Cabinet a draft Bill for giving effect to their recommendations (Appendix III). For obvious reasons this Bill should be passed into law as quickly as possible after introduction. If it is impracticable to introduce the Bill forthwith, and secure its passage into law before the Summer Recess, the Committee, while regretting the necessity for the delay, feel that there is no alternative but to defer its introduction until after the Recess.

18. The Committee submit the following recommendations to the Cabinet:

   (1) That general approval should be given to the Conclusions of the Committee contained in this report.
   (2) That approval should be given to the attached draft Trade Union 1926 Bill.
   (3) That in the event of the Cabinet deciding to postpone the introduction of the Bill it should be considered whether the
provisions relating to the Civil Service and Local Authority employees should be incorporated in the Bill or should be transferred to a separate Bill.

Signed on behalf of the Committee

CAVE.

CHAIRMAN.

(Signed) R. B. HOWARTH,
Secretary.

2, Whitehall Gardens, S.W. 1.
20th June, 1926.
APPENDIX I.

TRADE UNIONISM IN THE CIVIL SERVICE.

The two outstanding facts in the development of trade unionism in the Civil Service during the last thirty years have been-

(i) the employment by the larger Associations of whole time officials, who are not Civil Servants and the recognition of such officials by the Government;

(2) a growing tendency on the part of Associations of Civil Servants towards affiliation with the Trade Union Congress and the Labour Party.

Under modern conditions the business of looking after the interests of the larger Civil Service Associations is no doubt a whole time job, and it would be extremely difficult, if not impossible, to devise any workable or satisfactory alternative to the well-established practice of recognising Association officials who are not themselves Civil Servants. In any event, the real danger in the present situation is not the employment of outside representatives but the entanglement of Civil Service Associations with outside industrial and political bodies. This involves, inevitably, a divided allegiance: and the attitude adopted by certain Civil Service associations during the general strike has shown beyond all question that the allegiance of Civil Servants to any authority but that of the Government however lightly it may have been permitted in days gone by, can no longer be tolerated.

-1-
It is proposed accordingly, in any legislation that may be introduced for the purpose of amending the Trades Disputes Act, to incorporate clauses to provide:

(a) that the membership of any (trade union) Association which a Civil Servant is at liberty to join must be confined to Civil Servants;

(b) that such Associations must be entirely dissociated from and independent of outside trade unions and political parties and associations;

(c) that such Associations of Civil Servants must not apply their funds in furtherance of the candidature of anyone for Parliament;

(d) that such Associations of Civil Servants must not employ any officer who is connected in any way with outside trade unions etc.

(e) that any Civil Servant contravening these provisions shall become disqualified for continuing to be a member of the Civil Service.

It should be noted that these provisions will not apply to workmen employed in Government industrial establishments. These men belong to the big industrial and craft unions: and if only for the reason that secession from these Unions would imperil their chances of securing any employment outside the Government service, it would be impracticable to alter existing practice so far as workmen are concerned.
(1) It shall not be lawful for a Civil Servant to whom this section applies to become or after the expiration of three months from the passing of this Act to be a member of any organisation having for its object or one of its objects to influence or affect the remuneration or conditions of employment of its members except an organisation which fulfils the following conditions:

(a) its membership must be confined to members of the Civil Service;

(b) it must be independent of and not associated directly or indirectly with any such organisation as aforesaid outside the Civil Service or with any political party or association;

(c) its members must by its constitution be prohibited from being officers of or otherwise associated directly or indirectly with any such organisation as aforesaid outside the Civil Service;

(d) it must by its constitution be prohibited from applying any of its funds in furtherance of the objects of any such organisation as aforesaid outside the Civil Service or the candidature of any candidate for election to Parliament;

(e) it must by its constitution be prohibited and its members must be similarly prohibited from accepting financial assistance from any such organisation as aforesaid outside the Civil Service;

(f) it must not employ any officer who is a member of, or receives any remuneration or
other financial assistance from, or is otherwise connected with, any such organisation as aforesaid outside the Civil Service.

Provided that nothing in this section

(i) shall prevent a Civil Servant from being a member of a society or corporation whose primary object is the maintenance of a standard of professional efficiency by means of the grant of diplomas or certificates or otherwise, or of any organisation by reason only that it employs an officer who is a member of such a society or corporation; and any question as to whether any society or corporation is such a society or corporation as aforesaid shall be determined by the Treasury whose decision shall be final;

(ii) shall prevent a person who in addition to being a Civil Servant is also engaged in some other employment or occupation from being a member of a trade union or organisation having for its object or one of its objects to influence or affect the remuneration or conditions of employment of persons engaged in that employment or occupation.

(2) Any federation or association of or representative of trade unions or other organisations each or any of which has for its object or one of its objects to influence or affect the remuneration or conditions of employment of its members shall for the purposes of this section be deemed to be an organisation having for one of its objects to influence or affect the remuneration or conditions of employment of its members.
(3) If any Civil Servant to whom this section applies knowingly contravenes any of the provisions of this section he shall be disqualified for continuing to be a member of the Civil Service.

(4) The Civil Servants to whom this section applies include all persons employed in any civil capacity in the public service of the Crown whose remuneration is payable directly or indirectly out of the Consolidated Fund or moneys provided by Parliament, except -

(1) the holders of political offices, that is to say, offices usually held by members of one or other of the Houses of Parliament:

(ii) workpeople employed in an industrial capacity in any Crown establishment for the consideration of whose remuneration and other conditions of service an industrial joint council for State employees is for the time being established.
(1) Amongst the regulations as to the conditions of service in His Majesty's civil establishments there shall be included regulations prohibiting members of the Civil Service from being members of any organisation of which the primary object is to influence or affect the remuneration and conditions of employment of its members, unless the organisation is an organisation the membership of which is confined to members of the Civil Service and is an organisation which complies with such provisions as may be contained in the regulations for securing that it is independent of, and is not associated directly or indirectly with, any such organisation as aforesaid outside the Civil Service or with any political party or association.

(2) The said regulations shall -

   (a) not apply to workpeople employed in an industrial capacity in any Crown establishment for the consideration of whose remuneration and other conditions of service an industrial joint council for State employees is for the time being established; or

   (b) prevent a person who in addition to being a Civil Servant is also engaged in some other employment or occupation from being a member of a trade union or organisation of which the primary object is to influence or affect the remuneration or conditions of employment of persons engaged in that employment or occupation.

(3) If any Civil Servant knowingly contravenes any of the provisions of the said regulations he shall be disqualified for continuing to be a member of the Civil Service.

Treasury Chambers,

14th June, 1926.
Lord Chancellor.

I understand that the Legislation Committee at its last meeting had again under consideration the proposal to provide in the draft Trade Union Bill for the severance of Civil Service Associations from outside political and industrial organisations, and that at the end of the meeting the question was raised whether the recommendations under this head which had been submitted to the Committee had been discussed with the Permanent Heads of the principal Departments of State. The answer to that question was that the three or four Heads of Departments who have been taken into consultation were all in favour of the measure and that no doubt the remainder would be of the same view. To make sure, however, and acting on the suggestion which I understand you yourself made, I have held a conference of the Permanent Heads of the principal departments. I put before them the broad details of the scheme that had been submitted to the Legislation Committee, and am now authorised by them to lay before you the following statement of their views on the subject:

(1) It is the essential duty of every servant of the State that he should at all times without reservation place his services at the disposal of the State.

(2) The affiliation of Associations of Civil Servants to outside political and industrial organisations involves members of the Civil Service in a divided allegiance incompatible with this essential duty.
(3) This incompatibility was clearly demonstrated during the general strike.

(4) The opportunity should immediately be taken, whilst the lessons of the general strike are still fresh in the mind, to set the Civil Service free from all such entanglements.

(5) Legislation is the best, and indeed, the only permanently effective instrument for effecting this purpose.

(6) Legislation for this purpose would be welcomed by the best part of the Civil Service.

N.B.W.C.
22.6.26.

Treasury Chambers.
Memorandum by the Minister of Health.

As long ago as 1920 a question arose, and was the subject of consideration by the Government as to the limits within which a local authority was justified in expecting its servants to join a trade union. The question then took the form of a proposal by certain borough councils and boards of guardians, particularly the Poplar Borough Council and Board of Guardians.

(i) that all applications for increases of salary were to be made through the trade union or association representing the officer or workman concerned;

(ii) that increases of salary by way of war bonus or the merging of war bonus in salary should be conditional upon the officer or workman being a member of a trade union or association, or becoming a member within a specified time.

The view then taken was that the first of these proposals was one that could not be opposed since the Government had endorsed the principle of collective bargaining and the settlement of employment conditions by bodies in the nature of Whitley Councils. As regards the second point, the Home Affairs Committee (H.A.C. 54th Minutes) were agreed that the proposal of the local authority was wrong and ought to be resisted. At the
same time the Law Officers were consulted on the question whether the Minister of Health could take any effective action, either by withholding grants in aid or otherwise to prevent wages being paid at differential rates to members and non-members of trade unions and also to prevent membership of a union being made a condition of employment. Their answer was to the effect that there was nothing illegal in the action complained of and that except by giving the Minister full control over the appointment and dismissal and salaries of all employees of local authorities the difficulty could not be satisfactorily dealt with by legislation. They added that it would be possible to evade any statutory provisions of a less drastic character.

The only remedy departmentally suggested at the time was the possibility of withholding grants in aid from local authorities in certain cases on the ground of extravagant expenditure. Considerable doubt, however, was expressed by the Committee as to the extent of the present powers of the Minister of Health in this direction and the Committee further took the view that it would not be possible to prevent a council from dismissing men who had refused to join a trade union.

The policy initiated by the Poplar Board of Guardians has tended to spread and the attitude taken by the Minister of Health has been, while deprecating that policy, to say that the matter was not one in which he could interfere with the discretion of the employers.
Various compromise arrangements have been made between different local authorities and their employees, particularly in the direction of recognising associations of local government and poor law officers or such a body as the British Medical Association as being bodies so analogous to trade unions that membership of them satisfies the intention of the employers, and there is probably a substantial number of boards of guardians and councils in which all employees now belong either to trade unions or associations of this kind. It is not known in how many cases resolutions have now been passed directing the immediate dismissal of employees who do not belong to trade unions, but the Department are not aware of more than half a dozen and it is not known whether in these cases the modification of policy involved in recognising an officers' association as a trade union has been adopted.

Certain proposals have recently, according to Press reports and questions in the House of Commons, been made by local authorities that their employees should in all cases become members of the appropriate Trade Union and should be dismissed if they do not do so.

It is possible that the dismissal of an employee by a local authority, merely on the ground that he is not a member of a trade union, might be held to be invalid, though recent legal decisions on the subject of married women teachers indicate that it would be exceedingly difficult to establish a case for interference by the Court.

Even, however, if proceedings could be successfully taken, this would prove a very imperfect safeguard in the present difficulty, for past experience of boards of guardians shows them to be quite capable of waiting their time and effecting dismissals or other punishment on some other ground on which their discretion is not open to question, and it
is clearly impossible, as the law stands, to prevent local authorities from selecting, when making appointments, persons who are already members of a suitable trade union.

On the other hand, recent events have demonstrated the danger of permitting public servants to own a divided loyalty. There are indications that the associations of local government or poor law officers may no longer be accepted by certain local authorities as the equivalent of trade unions and in other ways some authorities seem to be determined that the services they administer shall be subject to paralysis at the will of a trade union executive. The courses open, if it should be decided to take action to prevent any spread of the practice under discussion, appear to be -

1. Legislation prohibiting the servant of a local authority from undertaking any liability by membership of a trade union or otherwise to leave his employment except on due determination of his contract, and attaching special penalties enforceable by the Public Prosecutor or some other independent authority to any such leaving of his employment.

2. The mobilization of local authority opinion against the practice by a submission of the matter to the Joint Industrial Councils for municipal services.

3. Legislation prohibiting a local authority from having any regard to membership or non-membership of a trade union on the part of their servants or of candidates for employment (such a servant at all events would then be able to resort to the Courts in the event of dismissal).

The effectiveness of the first expedient depends on the extent to which the authority empowered to enforce the penalties uses its powers. It would seem further that a bill dealing only with such a solution of the difficulty might be exposed to severe criticism in the House and that it should preferably form part of a wider remedial scheme based on experience of the action of local authorities during the strike which will have to be considered when full
information is available. It would seem also necessary to apply the proposal to the Civil Service as a whole, as well as to the local service.

The second proposal is understood to be favoured by the Minister of Labour. In itself it is open to criticism on the ground that it might result in a variety of conclusions arrived at by different Industrial Councils and thus provide no stable foundation for legislation or even for public opinion.

The third expedient may well tend to prevent a spread of the problem and even to eliminate it in districts in which the opinion of the local authority is not unanimous. It is a question how far it would be effective in the districts where the problem is at present most urgent, and action really taken on the ground of non-membership of a trade union can readily be covered by various administrative pretexts. At the same time the fact that the practice was laid down as illegal in a statute would help to focus resistance to proposals for its adoption and to build up a sound public opinion.

The practicability of penalizing strikers in the service of local authorities by loss of accrued superannuation rights has been considered, but it seems unlikely that a penalty of this kind would in fact be enforced or would be seriously regarded.

N.C.

11th June, 1926.
APPENDIX III.

DRAFT TRADE UNION BILL, 1926.

DRAFT OF A BILL TO

Declare and amend the law with respect to strikes and trade unions.

BY IT ENACTED &c.

1. It is hereby declared, that any strike which has any other object than the maintenance or improvement of conditions of labour in the industry or the branch of the industry in which the strikers are engaged, and which is intended or calculated to intimidate or coerce the Government or the community, is an illegal strike and that it is illegal to commence or continue or to apply any sums in furtherance or support of such a strike, and that any person instigating, furthering or taking part in such a strike is guilty of a misdemeanour.

2. (1) The Chief Registrar of Friendly Societies (hereinafter referred to as "the Chief Registrar") shall make regulations providing that a strike shall, as respects every trade union or branch of a trade union members of which are affected thereby, be deemed to be an unauthorised strike unless a ballot has been taken in accordance with such regulations, and, upon the ballot, the votes of at least fifty per cent. of the members entitled to vote have been recorded and, of the votes recorded, those in favour of the strike exceeded by twenty per cent. or more the votes against the strike.

-1-
(2) Without prejudice to the generality of the provisions of the last foregoing subsection, such regulations shall in particular provide -

(a) that every member of the trade union or branch (being a member qualified under the rules of the union or branch to vote upon matters affecting the control and management of the union or branch) who is directly affected by the proposed strike shall be entitled to vote, and that those members and any other members of the trade union entitled to vote shall have an equal right and, if reasonably practicable, a fair opportunity of voting;

(b) that the form of every ballot paper issued shall be such as to show plainly whether the voter is or is not in favour of withdrawing his labour for the purposes of the proposed strike;

(c) that a ballot paper together with an envelope addressed to the Chief Registrar shall be sent by post to every voter entitled to vote addressed to the voter at his last known place of abode;

(d) that ballot papers shall, when completed by the voters, be sent by them by post direct to the Chief Registrar;

(e) that a return shall be made to the Chief Registrar by the secretary or other official of the Trade Union or branch.
showing the number of voters entitled
to vote and the number of ballot papers
issued to voters:

(f) that the votes shall be counted and the
result ascertained and declared by the
Chief Registrar or by some person authorised
in that behalf by him.

(3) Every ballot paper sent by post to or by a
voter in accordance with regulations made under this
section shall be exempt from postage.

(4) The provisions of the Ballot Act, 1872, for
securing secrecy and freedom from interference in
voting, as set out in the first Schedule to this Act, shall
apply in respect of every ballot taken under this section.

(5) If any person engaged or concerned in the conduct
of a ballot under this section contravenes or fails to
comply with any regulations made under this section he
shall be guilty of an offence under this subsection, and
if -

(a) a ballot paper which is not in such a form
as to show plainly whether the voter is or
is not in favour of withdrawing his labour
for the purposes of the proposed strike is
in contravention of any such regulation
issued to a voter; or

(b) a ballot paper is sent to a voter otherwise
than as directed by the regulations; or

(c) any return made to the Chief Registrar is,
to the knowledge of the person making it,
false in any material particular,
the Secretary of the trade union or branch on behalf of
which the ballot paper is issued or sent or the return
is made shall be guilty of an offence under this
subsection, and every other official of the trade
union or branch shall be guilty of a like offence
unless he proves that the offence was committed without
his consent or connivance.

Any person guilty of an offence under this
subsection shall for every such offence be liable on
summary conviction to a fine not exceeding
pounds.

3. The provisions of the Trades Disputes Act,
1906, shall not, nor shall the second proviso to
subsection (1) of section two of the Emergency Powers
Act, 1920, apply to any act done in contemplation or
furtherance of a strike which is by this Act declared
to be an illegal strike or which is under th s Act
declared to be an unauthorised strike, and it shall be
lawful for the High Court at the suit of the Attorney-
General to restrain by injunction the application of the
funds of the trade union, society or corporation in
furtherance or support of any such strike as foresaid.
4. (1) No person refusing to take part in any strike which is by this Act declared to be an illegal strike, whether the strike took place before the commencement of this Act or takes place thereafter, and no person refusing to take part in any strike which is declared under this Act to be an authorised strike is, by reason of such refusal, subject to expulsion from any trade union or society, or to any fine or penalty, or to deprivation of any right or benefit to which he would otherwise be entitled, or liable to be placed in any respect either directly or indirectly under any disability or at any disadvantage as compared with other members of the union, anything to the contrary in the rules of a trade union or society notwithstanding.

(2) Section four of the Trade Union Act, 1871 shall not apply to any proceeding for enforcing any right or exemption secured by the last foregoing subsection, and without prejudice to any other remedy if any member of a trade union or society alleges that he is aggrieved by the infringement of any right or exemption secured to him by that subsection, he may complain to the Chief Registrar, who after giving the complainant and any representative of the union or society an opportunity of being heard, may if he considers that such infringement has been committed, make such order for remedying the infringement as he thinks just in the circumstances.

(3) Any order of the Chief Registrar made under the last preceding subsection -

(a) may be made on such terms as to costs or otherwise as the Chief Registrar thinks just;
(b) shall be binding and conclusive on all parties and shall not be subject to appeal or removable to any court of law or restrainable by injunction;

(c) on being recorded in a county court, may be enforced as if it had been an order of the county court.

(d) may, in lieu of ordering a complainant who has been expelled from membership of a trade union or society to be restored to membership, order that he be paid out of the funds of the trade union or society a sum not exceeding an amount equal to one-half of the contributions payable by him to the trade union or society under its rules during the last preceding year before his complaint multiplied by the number of years in which he has been a member of the union.

(4) The provisions of the Arbitration Act, 1889 relating to the administration of oaths and the taking of affirmations, the summoning, attendance and examination of witnesses, the production of documents, and false evidence, shall apply to any proceedings before the Chief Registrar under this subsection as if they were proceedings before an arbitrator, and as if the complainant and the trade union or society were parties to a submission to arbitration.
5. After the expiration of two months from the commencement of this Act no combination which is not for the time being registered as a trade union in accordance with the provisions of the Trade Union Acts, 1871 to 1917 shall be deemed for the purposes of those Acts to be a trade union, and the definition of a trade union contained in subsection (1) of section two of the Trade Union Act, 1913 shall have effect accordingly:

Provided that where application has, within the said period of two months, been made in accordance with the provisions of the Trade Union Acts, 1871 to 1917, to the Registrar of Friendly Societies for the registration of a combination as a trade union, this section shall not apply to the combination so long as the application has not been refused or an appeal from any such refusal is pending in the High Court.

6. (1) For the purposes of this Act the expression "strike" means the cessation of work by a body of persons employed acting in combination, or a concerted refusal, or a refusal under a common understanding, of any number of persons who are, or have been, employed, to continue to work or accept employment.

(2) This Act shall apply to Scotland subject to the following modifications:

7. (1) This Act may be cited as the Strikes Act, 1926, and shall not extend to Northern Ireland.

(2) The enactments set out in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.
FIRST SCHEDULE.

PROVISIONS OF THE BALLOT ACT, 1872, AS APPLIED AND ADAPTED.

Every person engaged or concerned in the conduct of a ballot for the purposes of this Act shall maintain and aid in maintaining the secrecy of the voting and shall not before the poll is closed communicate, except for some purpose authorised by law, to any person any information as to the name or other means of identification of any person who has or has not voted, and no such person and no person whosoever shall interfere with or attempt to interfere with a voter when marking his vote or otherwise attempt to obtain information as to the manner in which any voter is about to vote or has voted, or communicate at any time to any person any information obtained as to the manner in which any voter is about to vote or has voted. Every person in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not communicate any information obtained at such counting as to the manner in which any vote is given in any particular ballot paper. No person shall directly or indirectly induce any voter to display his ballot paper after he shall have marked the same so as to make known to any person whether he has marked his vote for or against a strike.

Every person who acts in contravention of the provisions of this schedule shall be liable on summary conviction to imprisonment for a term not exceeding six months.
### Session and Chapter | Short title | Extent of repeal
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E & 3 Geo. 5. c.30 | Trade Union Act, 1913 | In section two:—subsection (3) thereof; in subsection (4) thereof the words "or to give a certificate that an unregistered trade union is a trade union within the meaning of this Act" and the words "or of a certificate that an unregistered union is a trade union within the meaning of this Act"; and subsection (5) thereof.
Draft Additional Clauses.

(1) Amongst the regulations as to the conditions of service in His Majesty's civil establishments there shall be included regulations prohibiting members of the Civil Service from being members of any organisation of which the primary object is to influence or affect the remuneration and conditions of employment of its members, unless the organisation is an organisation the membership of which is confined to members of the Civil Service and is an organisation which complies with such provisions as may be contained in the regulations for securing that it is independent of, and is not associated directly or indirectly with, any such organisation as aforesaid outside the Civil Service or with any political party or association.

(2) The said regulations shall:

(a) not apply to workpeople employed in an industrial capacity in any Crown establishment for the consideration of whose remuneration and other conditions of service an industrial joint council for State employees is for the time being established; or

(b) prevent a person who in addition to being a Civil Servant is also engaged in some other employment or occupation from being a member of a trade union or organisation of which the primary object is to influence or affect the remuneration or conditions of employment of persons engaged in that employment or occupation.
If any Civil Servant knowingly contravenes any of the provisions of the said regulations he shall be disqualified for continuing to be a member of the Civil Service.

(1) It shall not be lawful for any local or other public authority to make it a condition of the employment or continuance in employment of any person that he shall or shall not be a member of a trade union, or to impose any condition upon persons employed by the authority whereby employees who are or who are not members of a trade union are liable to be placed in any respect either directly or indirectly under any disability or disadvantage as compared with other employees, and any condition imposed in contravention of this section shall be void.

(2) If any person employed by a local or other public authority wilfully breaks a contract of service with that authority knowing or having reasonable cause to believe that the probable consequence of his so doing, either alone or in combination with others, will be to hinder or prevent the performance by the authority of the public duties imposed upon it by law, he shall be guilty of an offence against this Act and liable on summary conviction thereof to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding three months.