



**AN BILLE IOMAÍOCHTA (COMHALTAS
CEARDCHUMANN) 2006
COMPETITION (TRADE UNION MEMBERSHIP) BILL 2006**

*Mar a tionscnaíodh
As initiated*

ARRANGEMENT OF SECTIONS

Section

1. Application of section 4 of Competition Act 2002 to certain trade union members.
 2. Short title and collective citation and construction.
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ACTS REFERRED TO

Competition Act 2002
Trade Union Act 1941

2002, No. 14
1941, No. 22



AN BILLE IOMAÍOCHTA (COMHALTAS
CEARDCHUMANN) 2006
COMPETITION (TRADE UNION MEMBERSHIP) BILL 2006

BILL

5

entitled

AN ACT TO DELIMIT THE APPLICATION OF THE COMPETITION ACT 2002 TO TRADE UNIONS AND TRADE UNION MEMBERS, AND TO PROVIDE FOR RELATED MATTERS.

10 BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

15 **1.**—(1) For the purposes of section 4 of the Competition Act 2002, where an individual engages for gain under a contract with an undertaking personally to do any work or provide any services (whether work or services of a manual, clerical, professional or vocational nature or otherwise and whether for the undertaking that is party to the contract or for other persons)—

Application of section 4 of Competition Act 2002 to certain trade union members.

(a) a trade union of which that individual and other individuals so engaged are members is not an association of undertakings, and

20 (b) the said section 4 does not apply to any agreement, decision or concerted practice affecting the terms or conditions under which such work is done or services are provided by two or more such individuals under similar contracts—

25 (i) with the same undertaking, or

(ii) with members of an association of undertakings, being an association that is or is part of a body that participates in arrangements put in place by the Government for the negotiation of agreements between the Government and the social partners.

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(2) Nothing in *subsection (1)* prevents the application of the said section 4 to agreements, decisions or concerted practices affecting the terms or conditions under which work is done for or services are provided to persons contracting outside the course of their business.

(3) In *subsection (1)*—

(a) “trade union” means a trade union which is the holder of a negotiation licence under Part II of the Trade Union Act 1941,

(b) “undertaking” includes any public body. 5

Short title and collective citation and construction.

2.—(1) This Act may be cited as the Competition (Trade Union Membership) Act 2006.

(2) This Act and the Competition Act 2002 may be cited together as the Competition Acts 2002 and 2006 and shall be construed together as one Act. 10