

## SCHEDULES

### <sup>F1</sup>SCHEDULE 1A

#### COLLECTIVE BARGAINING: RECOGNITION

**F1** [1999 NI 9](#)

### PART I

#### RECOGNITION

##### *General provisions about admissibility*

- 38.**—(1) This paragraph applies if—
- (a) the Court accepts a relevant application relating to a bargaining unit or proceeds under paragraph 20 with an application relating to a bargaining unit,
  - (b) the application has not been withdrawn,
  - (c) no notice has been given under paragraph 17(2),
  - (d) the Court has not issued a declaration under paragraph<sup>F1</sup> 19F(5), 22(2), 27(2), 27D(3), 27D(4)], 29(3) or 29(4) in relation to that bargaining unit, and
  - (e) no notification has been made under paragraph 24(2).
- (2) Another relevant application is not admissible if—
- (a) at least one worker falling within the relevant bargaining unit also falls within the bargaining unit referred to in sub-paragraph (1), and
  - (b) the application is made by a union (or unions) other than the union (or unions) which made the application referred to in sub-paragraph (1).
- (3) A relevant application is an application under paragraph 11 or 12.
- (4) The relevant bargaining unit is—
- (a) the proposed bargaining unit, where the application is under paragraph 11(2) or 12(2);
  - (b) the agreed bargaining unit, where the application is under paragraph 12(4).

**F1** [2004 NI 19](#)

**F1** functions transf. by SR 1999/481

**Non-textual amendments applied to the whole Legislation  
can be found in the  
Introduction**

**Changes to legislation:**

The Trade Union and Labour Relations (Northern Ireland) Order 1995, Section 38 is up to date with all changes known to be in force on or before 16 September 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 1A para. 157(4) added by [2016 c. 15 \(N.I.\) Sch. 2 para. 10](#)
- art. 33(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 4](#)
- art. 36(1A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 5](#)
- art. 39(1) art. 39 renumbered as art. 39(1) by [2016 c. 15 \(N.I.\) Sch. 2 para. 6\(2\)](#)
- art. 39(2) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 6\(3\)](#)
- art. 44C(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 7](#)
- art. 61(2A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 8](#)
- art. 147A and cross-heading inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 9](#)