

SCHEDULES

^{F1}SCHEDULE 1A

COLLECTIVE BARGAINING: RECOGNITION

F1 1999 NI 9

PART II

VOLUNTARY RECOGNITION

Court's response to application

62.—(1) The Court must give notice to the parties of receipt of an application under paragraph 58 or 59.

(2) Within the acceptance period the Court must decide whether the application is admissible within the terms of paragraphs 60 and 61.

(3) In deciding whether an application is admissible the Court must consider any evidence which it has been given by the employer or the union (or unions).

(4) If the Court decides that the application is not admissible—

- (a) the Court must give notice of its decision to the parties,
- (b) the Court must not accept the application, and
- (c) no further steps are to be taken under this Part.

(5) If the Court decides that the application is admissible it must—

- (a) accept the application, and
- (b) give notice of the acceptance to the parties.

(6) The acceptance period is—

- (a) the period of 10 working days starting with the day after that on which the Court receives the application, or
- (b) such longer period (so starting) as the Court may specify to the parties by notice containing reasons for the extension.

63.—(1) If the Court accepts an application it must try to help the parties to reach in the agreement period an agreement on a method by which they will conduct collective bargaining.

(2) If at the end of the agreement period the parties have not made such an agreement the Court must specify to the parties the method by which they are to conduct collective bargaining.

(3) Any method specified under sub-paragraph (2) is to have effect as if it were contained in a legally enforceable contract made by the parties.

(4) But if the parties agree in writing—

Changes to legislation: *There are currently no known outstanding effects for the The Trade Union and Labour Relations (Northern Ireland) Order 1995, Cross Heading: Court's response to application. (See end of Document for details)*

- (a) that sub-paragraph (3) shall not apply, or shall not apply to particular parts of the method specified by the Court, or
 - (b) to vary or replace the method specified by the Court, the written agreement shall have effect as a legally enforceable contract made by the parties.
- (5) Specific performance shall be the only remedy available for breach of anything which is a legally enforceable contract by virtue of this paragraph.
- (6) If the Court accepts an application, the applicant may not withdraw it after the end of the agreement period.
- (7) If at any time before a specification is made under sub-paragraph (2) the parties jointly apply to the Court requesting it to stop taking steps under this paragraph, the Court must comply with the request.
- (8) The agreement period is—
- (a) the period of 20 working days starting with the day after that on which the Court gives notice of acceptance of the application, or
 - (b) such longer period (so starting) as the parties may from time to time agree.

Changes to legislation:

There are currently no known outstanding effects for the The Trade Union and Labour Relations (Northern Ireland) Order 1995, Cross Heading: Court's response to application.