

Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Cross Heading: Workers' application to end arrangements is up to date with all changes known to be in force on or before 27 May 2024. 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. (See end of Document for details) View outstanding changes

SCHEDULES

^{F1}SCHEDULE A1

COLLECTIVE BARGAINING: RECOGNITION

Textual Amendments

F1 Sch. A1 (paras. 1-173) inserted (6.6.2000) by 1999 c. 26, s. 1(3), **Sch. 1**; S.I. 2000/1338, **art. 2(d)**

Modifications etc. (not altering text)

C1 Sch. A1 (paras. 1-173) applied (14.8.2000) by S.I. 2000/1282, **art. 2(5)(a)**

C1 Sch. A1 modified (temp. from 6.4.2005) by The Employment Relations Act 2004 (Commencement No.3 and Transitional Provisions) Order 2005 (S.I. 2005/872), arts. 4, **21**, Sch. (with arts. 6-21)

PART IV

DERECOGNITION: GENERAL

Workers' application to end arrangements

- 112 (1) A worker or workers falling within the bargaining unit may after the relevant date apply to the CAC to have the bargaining arrangements ended.
- (2) An application is not admissible unless—
- (a) it is made in such form as the CAC specifies, and
 - (b) it is supported by such documents as the CAC specifies.
- (3) An application is not admissible unless the worker gives (or workers give) to the employer and to the union (or each of the unions)—
- (a) notice of the application, and
 - (b) a copy of the application and any documents supporting it.
- 113 (1) An application under paragraph 112 is not admissible if—
- (a) a relevant application was made [^{F1}, or a notice under paragraph 99(2) was given,] within the period of 3 years prior to the date of the application under paragraph 112,
 - (b) the relevant application [^{F2}, or notice under paragraph 99(2),] and the application under paragraph 112 relate to the same bargaining unit, and
 - (c) the CAC accepted the relevant application [^{F3} or (as the case may be) decided under paragraph 100 that the notice complied with paragraph 99(3)].
- (2) A relevant application is an application made to the CAC—
- (a) ^{F4}
 - (b) by the employer under paragraph 106, 107 or 128, or

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(c) by a worker (or workers) under paragraph 112.

Textual Amendments

- F1** Words in Sch. A1 para. 113(1)(a) inserted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\), ss. 12\(8\)\(a\), 59\(2\)-\(4\); S.I. 2005/872, art. 4, Sch.](#) (with arts. 6-21)
- F2** Words in Sch. A1 para. 113(1)(b) inserted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\), ss. 12\(8\)\(b\), 59\(2\)-\(4\); S.I. 2005/872, art. 4, Sch.](#) (with arts. 6-21)
- F3** Words in Sch. A1 para. 113(1)(c) inserted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\), ss. 12\(8\)\(c\), 59\(2\)-\(4\); S.I. 2005/872, art. 4, Sch.](#) (with arts. 6-21)
- F4** Sch. A1 para. 113(2)(a) repealed (6.4.2005) by [Employment Relations Act 2004 \(c. 24\), ss. 12\(9\), 57\(2\), 59\(2\)-\(4\), Sch. 2; S.I. 2005/872, art. 4, Sch.](#) (with arts. 6-21)

- 114 (1) An application under paragraph 112 is not admissible unless the CAC decides that—
- (a) at least 10 per cent of the workers constituting the bargaining unit favour an end of the bargaining arrangements, and
 - (b) a majority of the workers constituting the bargaining unit would be likely to favour an end of the bargaining arrangements.
- (2) The CAC must give reasons for the decision.
- 115 (1) The CAC must give notice to the worker (or workers), the employer and the union (or unions) of receipt of an application under paragraph 112.
- (2) Within the acceptance period the CAC must decide whether the application is admissible within the terms of paragraphs 112 to 114.
- (3) In deciding whether the application is admissible the CAC must consider any evidence which it has been given by the employer, the union (or unions) or any of the workers falling within the bargaining unit.
- (4) If the CAC decides that the application is not admissible—
- (a) the CAC must give notice of its decision to the worker (or workers), the employer and the union (or unions),
 - (b) the CAC must not accept the application, and
 - (c) no further steps are to be taken under this Part of this Schedule.
- (5) If the CAC decides that the application is admissible it must—
- (a) accept the application, and
 - (b) give notice of the acceptance to the worker (or workers), the employer and the union (or unions).
- (6) The acceptance period is—
- (a) the period of 10 working days starting with the day after that on which the CAC receives the application, or
 - (b) such longer period (so starting) as the CAC may specify to the worker (or workers), the employer and the union (or unions) by notice containing reasons for the extension.
- 116 (1) If the CAC accepts the application, in the negotiation period the CAC must help the employer, the union (or unions) and the worker (or workers) with a view to—
- (a) the employer and the union (or unions) agreeing to end the bargaining arrangements, or

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(b) the worker (or workers) withdrawing the application.

(2) The negotiation period is—

- (a) the period of 20 working days starting with the day after that on which the CAC gives notice of acceptance of the application, or
- (b) such longer period (so starting) as the CAC may decide with the consent of the worker (or workers), the employer and the union (or unions).

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

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

- s. 212A(1)(zb) inserted by [2023 c. 46 Sch. para. 1](#)