

Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Cross Heading: Request for recognition is up to date with all changes known to be in force on or before 20 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 I

RECOGNITION

Request for recognition

- 4 (1) The union or unions seeking recognition must make a request for recognition to the employer.
- (2) Paragraphs 5 to 9 apply to the request.
- 5 The request is not valid unless it is received by the employer.
- 6 The request is not valid unless the union (or each of the unions) has a certificate [^{F1}of independence].

Textual Amendments

F1 Words in Sch. A1 para. 6 substituted (6.4.2005) by Employment Relations Act 2004 (c. 24), **ss. 50(6), 59(2)-(4)**; S.I. 2005/872, **art. 4**, Sch. (with arts. 6-21)

- 7 (1) The request is not valid unless the employer, taken with any associated employer or employers, employs—
- (a) at least 21 workers on the day the employer receives the request, or
- (b) an average of at least 21 workers in the 13 weeks ending with that day.
- (2) To find the average under sub-paragraph (1)(b)—
- (a) take the number of workers employed in each of the 13 weeks (including workers not employed for the whole of the week);
- (b) aggregate the 13 numbers;
- (c) divide the aggregate by 13.

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- (3) For the purposes of sub-paragraph (1)(a) any worker employed by an associated company incorporated outside Great Britain must be ignored unless the day the request was made fell within a period during which he ordinarily worked in Great Britain.
- (4) For the purposes of sub-paragraph (1)(b) any worker employed by an associated company incorporated outside Great Britain must be ignored in relation to a week unless the whole or any part of that week fell within a period during which he ordinarily worked in Great Britain.
- (5) For the purposes of sub-paragraphs (3) and (4) a worker who is employed on board a ship registered in the register maintained under section 8 of the Merchant Shipping Act 1995 shall be treated as ordinarily working in Great Britain unless—
- the ship's entry in the register specifies a port outside Great Britain as the port to which the vessel is to be treated as belonging,
 - the employment is wholly outside Great Britain, or
 - the worker is not ordinarily resident in Great Britain.
- [^{F2}(5A) Sub-paragraph (5B) applies to an agency worker whose contract within regulation 3(1)(b) of the Agency Workers Regulations 2010 (contract with the temporary work agency) is not a contract of employment.
- (5B) For the purposes of sub-paragraphs (1) and (2), the agency worker is to be treated as having a contract of employment with the temporary work agency for the duration of the assignment with the employer (and “assignment” has the same meaning as in those Regulations).]
- (6) The Secretary of State may by order—
- provide that sub-paragraphs (1) to (5) are not to apply, or are not to apply in specified circumstances, or
 - vary the number of workers for the time being specified in sub-paragraph (1); and different provision may be made for different circumstances.
- (7) An order under sub-paragraph (6)—
- shall be made by statutory instrument, and
 - may include supplementary, incidental, saving or transitional provisions.
- (8) No such order shall be made unless a draft of it has been laid before Parliament and approved by a resolution of each House of Parliament.

Textual Amendments

F2 Sch. A1 para. 7(5A)(5B) inserted (1.10.2011) by [The Agency Workers Regulations 2010 \(S.I. 2010/93\)](#), reg. 1(1), [Sch. 2 para. 7\(2\)](#)

- 8 The request is not valid unless it—
- is in writing,
 - identifies the union or unions and the bargaining unit, and
 - states that it is made under this Schedule.
- 9 The Secretary of State may by order made by statutory instrument prescribe the form of requests and the procedure for making them; and if he does so the request is not valid unless it complies with the order.

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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](#)