

Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Part V is up to date with all changes known to be in force on or before 11 June 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 V

DERECOGNITION WHERE RECOGNITION AUTOMATIC

Introduction

- 122 (1) This Part of this Schedule applies if—
- (a) the CAC has issued a declaration under paragraph [^{F1}19F(5), 22(2), 27(2) or 27D(3)] that a union is (or unions are) recognised as entitled to conduct collective bargaining on behalf of a bargaining unit, and
 - (b) the parties have agreed under paragraph 30 or 31 a method by which they will conduct collective bargaining.
- (2) In such a case references in this Part of this Schedule to the bargaining arrangements are to—
- (a) the declaration, and
 - (b) the parties' agreement.

Textual Amendments

F1 Words in Sch. A1 para. 122(1)(a) substituted (6.4.2005) by Employment Relations Act 2004 (c. 24), ss. 57(1), 59(2)-(4), **Sch. 1 para. 23(24)**; S.I. 2005/872, **art. 4**, Sch. (with arts. 6-21)

- 123 (1) This Part of this Schedule also applies if—
- (a) the CAC has issued a declaration under paragraph [^{F2}19F(5), 22(2), 27(2) or 27D(3)] that a union is (or unions are) recognised as entitled to conduct collective bargaining on behalf of a bargaining unit, and
 - (b) the CAC has specified to the parties under paragraph 31(3) the method by which they are to conduct collective bargaining.

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- (2) In such a case references in this Part of this Schedule to the bargaining arrangements are to—
- (a) the declaration, and
 - (b) anything effective as, or as if contained in, a legally enforceable contract by virtue of paragraph 31.

Textual Amendments

F2 Words in Sch. A1 para. 123(1)(a) substituted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\)](#), ss. 57(1), 59(2)-(4), [Sch. 1 para. 23\(25\)](#); S.I. 2005/872, [art. 4](#), Sch. (with arts. 6-21)

- 124 (1) This Part of this Schedule also applies if the CAC has issued a declaration under paragraph 87(2) that a union is (or unions are) recognised as entitled to conduct collective bargaining on behalf of a bargaining unit.
- (2) In such a case references in this Part of this Schedule to the bargaining arrangements are to —
- (a) the declaration, and
 - (b) paragraph 87(6)(b).
- 125 For the purposes of this Part of this Schedule the relevant date is the date of the expiry of the period of 3 years starting with the date of the CAC’s declaration.
- 126 References in this Part of this Schedule to the parties are to the employer and the union (or unions) concerned.

Employer’s request to end arrangements

- 127 (1) The employer may after the relevant date request the union (or each of the unions) to agree to end the bargaining arrangements.
- (2) The request is not valid unless it—
- (a) is in writing,
 - (b) is received by the union (or each of the unions),
 - (c) identifies the bargaining arrangements,
 - (d) states that it is made under this Schedule, and
 - (e) states that fewer than half of the workers constituting the bargaining unit are members of the union (or unions).
- 128 (1) If before the end of the negotiation period the parties agree to end the bargaining arrangements no further steps are to be taken under this Part of this Schedule.
- (2) If no such agreement is made before the end of the negotiation period, the employer may apply to the CAC for the holding of a secret ballot to decide whether the bargaining arrangements should be ended.
- (3) The negotiation period is the period of 10 working days starting with the day after—
- (a) the day on which the union receives the request, or
 - (b) the last day on which any of the unions receives the request;
- or such longer period (so starting) as the parties may from time to time agree.
- 129 (1) An application under paragraph 128 is not admissible unless—
- (a) it is made in such form as the CAC specifies, and

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- (b) it is supported by such documents as the CAC specifies.
- (2) An application under paragraph 128 is not admissible unless the employer gives 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.
- 130 (1) An application under paragraph 128 is not admissible if—
 - (a) a relevant application was made [^{F3}, or a notice under paragraph 99(2) was given,] within the period of 3 years prior to the date of the application under paragraph 128,
 - (b) the relevant application [^{F4}, or notice under paragraph 99(2),] and the application under paragraph 128 relate to the same bargaining unit, and
 - (c) the CAC accepted the relevant application [^{F5} 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) ^{F6}
 - (b) by the employer under paragraph 106, 107 or 128, or
 - (c) by a worker (or workers) under paragraph 112.

Textual Amendments

- F3** Words in Sch. A1 para. 130(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)
- F4** Words in Sch. A1 para. 130(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)
- F5** Words in Sch. A1 para. 130(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)
- F6** Sch. A1 para. 130(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)

- 131 (1) An application under paragraph 128 is not admissible unless the CAC is satisfied that fewer than half of the workers constituting the bargaining unit are members of the union (or unions).
- (2) The CAC must give reasons for the decision.
- 132 (1) The CAC must give notice to the parties of receipt of an application under paragraph 128.
- (2) Within the acceptance period the CAC must decide whether—
 - (a) the request is valid within the terms of paragraph 127, and
 - (b) the application is admissible within the terms of paragraphs 129 to 131.
- (3) In deciding those questions the CAC must consider any evidence which it has been given by the parties.
- (4) If the CAC decides that the request is not valid or the application is not admissible—
 - (a) the CAC must give notice of its decision to the parties,
 - (b) the CAC must not accept the application, and
 - (c) no further steps are to be taken under this Part of this Schedule.

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- (5) If the CAC decides that the request is valid and 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 CAC receives the application, or
 - (b) such longer period (so starting) as the CAC may specify to the parties by notice containing reasons for the extension.

Ballot on derecognition

- 133 (1) Paragraph 117 applies if the CAC accepts an application under paragraph 128 (as well as in the cases mentioned in paragraph 117(1) and (2)).
- (2) Paragraphs 118 to 121 apply accordingly, but as if—
- (a) the [^{F7}references in paragraphs 119(2)(a) and 119D(3)] to paragraph 106 or 107 were to paragraph 106, 107 or 128;
 - (b) the [^{F8}references in paragraphs 119A(3)(a)(ii), 119E(1)(b) and 121(4)] to paragraph 106, 107 or 112 were to paragraph 106, 107, 112 or 128.

Textual Amendments

- F7** Words in Sch. A1 para. 133(2)(a) substituted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\)](#), ss. 57(1), 59(2)-(4), [Sch. 1 para. 23\(26\)\(a\)](#); S.I. 2005/872, [art. 4](#), Sch. (with arts. 6-21)
- F8** Words in Sch. A1 para. 133(2)(b) substituted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\)](#), ss. 57(1), 59(2)-(4), [Sch. 1 para. 23\(26\)\(b\)](#); S.I. 2005/872, [art. 4](#), Sch. (with arts. 6-21)

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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](#)