

SCHEDULES

^{F1}SCHEDULE 1A

COLLECTIVE BARGAINING: RECOGNITION

F1 1999 NI 9

PART I

RECOGNITION

Acceptance of applications

- 13.** The Court must give notice to the parties of receipt of an application under paragraph 11 or 12.
- 14.**—(1) This paragraph applies if—
- (a) two or more relevant applications are made,
 - (b) at least one worker falling within one of the relevant bargaining units also falls within the other relevant bargaining unit (or units), and
 - (c) the Court has not accepted any of the applications.
- (2) A relevant application is an application under paragraph 11 or 12.
- (3) In relation to a relevant application, 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).
- (4) Within the acceptance period the Court must decide, with regard to each relevant application, whether the 10 per cent test is satisfied.
- (5) The 10 per cent test is satisfied if members of the union (or unions) constitute at least 10 per cent of the workers constituting the relevant bargaining unit.
- (6) The acceptance period is—
- (a) the period of 10 working days starting with the day after that on which the Court receives the last relevant application, or
 - (b) such longer period (so starting) as the Court may specify to the parties by notice containing reasons for the extension.
- (7) If the Court decides that—
- (a) the 10 per cent test is satisfied with regard to more than one of the relevant applications, or
 - (b) the 10 per cent test is satisfied with regard to none of the relevant applications,
- the Court must not accept any of the relevant applications.
- (8) If the Court decides that the 10 per cent test is satisfied with regard to one only of the relevant applications the Court—

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

- (a) must proceed under paragraph 15 with regard to that application, and
 - (b) must not accept any of the other relevant applications.
- (9) The Court must give notice of its decision to the parties.
- (10) If by virtue of this paragraph the Court does not accept an application, no further steps are to be taken under this Part in relation to that application.

15.—(1) This paragraph applies to these applications—

- (a) any application with regard to which no decision has to be made under paragraph 14;
 - (b) any application with regard to which the Court must proceed under this paragraph by virtue of paragraph 14.
- (2) Within the acceptance period the Court must decide whether—
- (a) the request for recognition to which the application relates is valid within the terms of paragraphs 5 to 9, and
 - (b) the application is made in accordance with paragraph 11 or 12 and admissible within the terms of paragraphs 33 to 42.
- (3) In deciding those questions 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 request is not valid or the application is not made in accordance with paragraph 11 or 12 or 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 request is valid and the application is made in accordance with paragraph 11 or 12 and 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.

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