SCHEDULES

[F1]SCHEDULE 1A

COLLECTIVE BARGAINING: RECOGNITION

F1 1999 NI 9

PART V

DERECOGNITION WHERE RECOGNITION AUTOMATIC

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.

(2) If no such agreement is made before the end of the negotiation period, the employer may apply to the Court 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 Court specifies, and

(b) it is supported by such documents as the Court 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**[**[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 128,

(b) the relevant application**[**[F1], or notice under paragraph 99(2),**]** and the application under paragraph 128 relate to the same bargaining unit, and

(c) the Court accepted the relevant application**[**[F1] 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 Court—

Sub-para. (a) rep. by 2004 NI 19

(b) by the employer under paragraph 106, 107 or 128, or

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

F1 2004 NI 19

131.—(1) An application under paragraph 128 is not admissible unless the Court is satisfied that fewer than half of the workers constituting the bargaining unit are members of the union (or unions).

(2) The Court must give reasons for the decision.

132.—(1) The Court must give notice to the parties of receipt of an application under paragraph 128.

(2) Within the acceptance period the Court 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 Court must consider any evidence which it has been given by the parties.

(4) If the Court decides that the request is not valid or 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 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 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.

Changes to legislation:
There are currently no known outstanding effects for the The Trade Union and Labour Relations (Northern Ireland) Order 1995, Cross Heading: Employer's request to end arrangements.