

**Changes to legislation:** Trade Union and Labour Relations (Consolidation) Act 1992, Paragraph 83 is up to date with all changes known to be in force on or before 24 April 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

### <sup>F1</sup>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 III

#### CHANGES AFFECTING BARGAINING UNIT

##### *Position where CAC decides new unit*

- 83 (1) This paragraph applies if in the CAC's opinion the new unit contains at least one worker falling within a statutory outside bargaining unit.
- (2) In such a case—
- (a) the CAC must issue a declaration that the relevant bargaining arrangements, so far as relating to workers falling within the new unit, are to cease to have effect on a date specified by the CAC in the declaration, and
  - (b) the relevant bargaining arrangements shall cease to have effect accordingly.
- (3) The relevant bargaining arrangements are—
- (a) the bargaining arrangements relating to the original unit, and
  - (b) the bargaining arrangements relating to each statutory outside bargaining unit containing workers who fall within the new unit.
- (4) The bargaining arrangements relating to the original unit are the bargaining arrangements as defined in paragraph 64.
- (5) The bargaining arrangements relating to an outside unit are—
- (a) the declaration recognising a union (or unions) as entitled to conduct collective bargaining on behalf of the workers constituting the outside unit, and
  - (b) the provisions relating to the collective bargaining method.
- (6) For this purpose the provisions relating to the collective bargaining method are—

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- (a) any agreement by the employer and the union (or unions) as to the method by which collective bargaining is to be conducted with regard to the outside unit,
  - (b) anything effective as, or as if contained in, a legally enforceable contract and relating to the method by which collective bargaining is to be conducted with regard to the outside unit, or
  - (c) any provision of this Part of this Schedule that a method of collective bargaining is to have effect with regard to the outside unit.
- (7) A statutory outside bargaining unit is a bargaining unit which fulfils these conditions—
- (a) it is not the original unit;
  - (b) a union is (or unions are) recognised as entitled to conduct collective bargaining on its behalf by virtue of a declaration of the CAC;
  - (c) the union (or at least one of the unions) is not a party referred to in paragraph 64.
- (8) The date specified under sub-paragraph [F1(2)(a)] must be—
- (a) the date on which the relevant period expires, or
  - (b) if the CAC believes that to maintain the relevant bargaining arrangements would be impracticable or contrary to the interests of good industrial relations, the date after the date on which the declaration is issued;
- and the relevant period is the period of 65 working days starting with the day after that on which the declaration is issued.

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#### Textual Amendments

**F1** Words in Sch. A1 para. 83(8) substituted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\), ss. 57\(1\), 59\(2\)-\(4\)](#), [Sch. 1 para. 23\(17\)](#); S.I. 2005/872, [art. 4](#), Sch. 1 (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](#)