

**Changes to legislation:** Trade Union and Labour Relations (Consolidation) Act 1992, Cross Heading:  
Appropriate bargaining unit is up to date with all changes known to be in force on or before 18 April 2024.  
There are changes that may be brought into force at a future date. Changes that have been made appear in  
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## 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 I

#### RECOGNITION

##### *Appropriate bargaining unit*

- 18 (1) If the CAC accepts an application under paragraph 11(2) or 12(2) it must try to help the parties to reach within the appropriate period an agreement as to what the appropriate bargaining unit is.
- (2) The appropriate period is [<sup>F1</sup>(subject to any notice under sub-paragraph (3), (4) or (5))]<sup>—</sup>
- (a) the period of 20 working days starting with the day after that on which the CAC gives notice of acceptance of the application, or
- (b) such longer period (so starting) as the CAC may specify to the parties by notice containing reasons for the extension.
- [<sup>F2</sup>(3) If, during the appropriate period, the CAC concludes that there is no reasonable prospect of the parties' agreeing an appropriate bargaining unit before the time when (apart from this sub-paragraph) the appropriate period would end, the CAC may, by a notice given to the parties, declare that the appropriate period ends with the date of the notice.
- (4) If, during the appropriate period, the parties apply to the CAC for a declaration that the appropriate period is to end with a date (specified in the application) which is earlier than the date with which it would otherwise end, the CAC may, by a notice given to the parties, declare that the appropriate period ends with the specified date.
- (5) If the CAC has declared under sub-paragraph (4) that the appropriate period ends with a specified date, it may before that date by a notice given to the parties specify a later date with which the appropriate period ends.

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- (6) A notice under sub-paragraph (3) must contain reasons for reaching the conclusion mentioned in that sub-paragraph.
- (7) A notice under sub-paragraph (5) must contain reasons for the extension of the appropriate period.]

#### Textual Amendments

- F1** Words in Sch. A1 para. 18(2) inserted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\), ss. 2\(2\), 59\(2\)-\(4\); S.I. 2005/872, art. 4, Sch.](#) (with arts. 6-21)
- F2** Sch. A1 para. 18(3)-(7) inserted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\), ss. 2\(3\), 59\(2\)-\(4\); S.I. 2005/872, art. 4, Sch.](#) (with arts. 6-21)

[<sup>F3</sup>18A(1) This paragraph applies if the CAC accepts an application under paragraph 11(2) or 12(2).

- (2) Within 5 working days starting with the day after that on which the CAC gives the employer notice of acceptance of the application, the employer must supply the following information to the union (or unions) and the CAC—
- a list of the categories of worker in the proposed bargaining unit,
  - a list of the workplaces at which the workers in the proposed bargaining unit work, and
  - the number of workers the employer reasonably believes to be in each category at each workplace.
- (3) The lists and numbers supplied under this paragraph must be as accurate as is reasonably practicable in the light of the information in the possession of the employer at the time when he complies with sub-paragraph (2).
- (4) The lists and numbers supplied to the union (or unions) and to the CAC must be the same.
- (5) For the purposes of this paragraph, the workplace at which a worker works is—
- if the person works at or from a single set of premises, those premises, and
  - in any other case, the premises with which the worker's employment has the closest connection.]

#### Textual Amendments

- F3** Sch. A1 para. 18A inserted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\), ss. 3, 59\(2\)-\(4\); S.I. 2005/872, art. 4, Sch.](#) (with arts. 6-21)

- [<sup>F4</sup>19 (1) This paragraph applies if—
- the CAC accepts an application under paragraph 11(2) or 12(2),
  - the parties have not agreed an appropriate bargaining unit at the end of the appropriate period (defined by paragraph 18), and
  - at the end of that period either no request under paragraph 19A(1)(b) has been made or such a request has been made but the condition in paragraph 19A(1)(c) has not been met.
- (2) Within the decision period, the CAC must decide whether the proposed bargaining unit is appropriate.

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- (3) If the CAC decides that the proposed bargaining unit is not appropriate, it must also decide within the decision period a bargaining unit which is appropriate.
- (4) The decision period is—
  - (a) the period of 10 working days starting with the day after that with which the appropriate period ends, or
  - (b) such longer period (so starting) as the CAC may specify to the parties by notice containing reasons for the extension.]

#### Textual Amendments

**F4** Sch. A1 paras. 19-19B substituted (6.4.2005) for Sch. A1 para. 19 by [Employment Relations Act 2004 \(c. 24\)](#), [ss. 4, 59\(2\)-\(4\)](#); [S.I. 2005/872](#), [art. 4](#), Sch. (with [arts. 6-21](#))

[<sup>F5</sup>19A(1) This paragraph applies if—

- (a) the CAC accepts an application under paragraph 11(2) or 12(2),
  - (b) during the appropriate period (defined by paragraph 18), the CAC is requested by the union (or unions) to make a decision under this paragraph, and
  - (c) the CAC is, either at the time the request is made or at a later time during the appropriate period, of the opinion that the employer has failed to comply with the duty imposed by paragraph 18A.
- (2) Within the decision period, the CAC must decide whether the proposed bargaining unit is appropriate.
  - (3) If the CAC decides that the proposed bargaining unit is not appropriate, it must also decide within the decision period a bargaining unit which is appropriate.
  - (4) The decision period is—
    - (a) the period of 10 working days starting with the day after the day on which the request is made, or
    - (b) such longer period (so starting) as the CAC may specify to the parties by notice containing reasons for the extension.

#### Textual Amendments

**F5** Sch. A1 paras. 19-19B substituted (6.4.2005) for Sch. A1 para. 19 by [Employment Relations Act 2004 \(c. 24\)](#), [ss. 4, 59\(2\)-\(4\)](#); [S.I. 2005/872](#), [art. 4](#), Sch. (with [arts. 6-21](#))

- 19B (1) This paragraph applies if the CAC has to decide whether a bargaining unit is appropriate for the purposes of paragraph 19(2) or (3) or 19A(2) or (3).
- (2) The CAC must take these matters into account—
    - (a) the need for the unit to be compatible with effective management;
    - (b) the matters listed in sub-paragraph (3), so far as they do not conflict with that need.
  - (3) The matters are—
    - (a) the views of the employer and of the union (or unions);
    - (b) existing national and local bargaining arrangements;

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- (c) the desirability of avoiding small fragmented bargaining units within an undertaking;
  - (d) the characteristics of workers falling within the bargaining unit under consideration and of any other employees of the employer whom the CAC considers relevant;
  - (e) the location of workers.
- (4) In taking an employer's views into account for the purpose of deciding whether the proposed bargaining unit is appropriate, the CAC must take into account any view the employer has about any other bargaining unit that he considers would be appropriate.
- (5) The CAC must give notice of its decision to the parties.]

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**Textual Amendments**

- F5** Sch. A1 paras. 19-19B substituted (6.4.2005) for Sch. A1 para. 19 by [Employment Relations Act 2004](#) (c. 24), [ss. 4, 59\(2\)-\(4\)](#); [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](#)