

SCHEDULES

^{F1}SCHEDULE 1A

COLLECTIVE BARGAINING: RECOGNITION

F1 1999 NI 9

PART VII

LOSS OF INDEPENDENCE

Introduction

149.—(1) This Part applies if the Court has issued a declaration 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 to the bargaining arrangements are to the declaration and to the provisions relating to the collective bargaining method.

(3) For this purpose the provisions relating to the collective bargaining method are—

- (a) the parties' agreement as to the method by which collective bargaining is to be conducted,
- (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, or
- (c) any provision of Part III that a method of collective bargaining is to have effect.

150.—(1) This Part also applies if—

- (a) the parties have agreed that a union is (or unions are) recognised as entitled to conduct collective bargaining on behalf of a bargaining unit,
- (b) the Court has specified to the parties under paragraph 63(2) the method by which they are to conduct collective bargaining, and
- (c) the parties have not agreed in writing to replace the method or that paragraph 63(3) shall not apply.

(2) In such a case references in this Part to the bargaining arrangements are to—

- (a) the parties' agreement mentioned in sub-paragraph (1)(a), and
- (b) anything effective as, or as if contained in, a legally enforceable contract by virtue of paragraph 63.

151. References in this Part to the parties are to the employer and the union (or unions) concerned.

Loss of certificate

152.—(1) This paragraph applies if—

Status: Point in time view as at 01/01/2006.

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

- (a) only one union is a party, and
 - (b) under Article 6 of the 1992 Order the Certification Officer withdraws the union's certificate of independence.
- (2) This paragraph also applies if—
- (a) more than one union is a party, and
 - (b) under Article 6 of the 1992 Order the Certification Officer withdraws the certificate of independence of each union (whether different certificates are withdrawn on the same or on different days).
- (3) Sub-paragraph (4) shall apply on the day after—
- (a) the day on which the Certification Officer informs the union (or unions) of the withdrawal (or withdrawals), or
 - (b) if there is more than one union, and he informs them on different days, the last of those days.
- (4) The bargaining arrangements shall cease to have effect; and the parties shall be taken to agree that the union is (or unions are) recognised as entitled to conduct collective bargaining on behalf of the bargaining unit concerned.

Certificate re-issued

- 153.**—(1) This paragraph applies if—
- (a) only one union is a party,
 - (b) paragraph 152 applies, and
 - (c) as a result of an appeal under Article 6 of the 1992 Order against the decision to withdraw the certificate, the Certification Officer issues a certificate that the union is independent.
- (2) This paragraph also applies if—
- (a) more than one union is a party,
 - (b) paragraph 152 applies, and
 - (c) as a result of an appeal under Article 6 of the 1992 Order against a decision to withdraw a certificate, the Certification Officer issues a certificate that any of the unions concerned is independent.
- (3) Sub-paragraph (4) shall apply, beginning with the day after—
- (a) the day on which the Certification Officer issues the certificate, or
 - (b) if there is more than one union, the day on which he issues the first or only certificate.
- (4) The bargaining arrangements shall have effect again; and paragraph 152 shall cease to apply.

Miscellaneous

154. Parts III to VI shall not apply in the case of the parties at any time when, by virtue of this Part, the bargaining arrangements do not have effect.

- 155.** If—
- (a) by virtue of paragraph 153 the bargaining arrangements have effect again beginning with a particular day, and
 - (b) in consequence Article 44B applies in relation to the bargaining unit concerned,

for the purposes of Article 44B(3) that day shall be taken to be the day on which Article 44B first applies in relation to the unit.

Status:

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