



# Trade Union and Labour Relations (Consolidation) Act 1992

## CHAPTER 52

### TRADE UNION AND LABOUR RELATIONS (CONSOLIDATION) ACT 1992

#### PART I

#### TRADE UNIONS

#### CHAPTER I

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- 303 Short title.

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SCHEDULES

SCHEDULE A1 — Collective Bargaining: Recognition  
Part I — RECOGNITION

*Introduction*

- 1 A trade union (or trade unions) seeking recognition to be...
- 2 (1) This paragraph applies for the purposes of this Part...
- 3 (1) This paragraph applies for the purposes of this Part...

*Request for recognition*

- 4 (1) The union or unions seeking recognition must make a...
- 5 The request is not valid unless it is received by...
- 6 The request is not valid unless the union (or each...
- 7 (1) The request is not valid unless the employer, taken...
- 8 The request is not valid unless it—
- 9 The Secretary of State may by order made by statutory...

*Parties agree*

- 10 (1) If before the end of the first period the...

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*Employer rejects request*

- 11 (1) This paragraph applies if— (a) before the end of...

*Negotiations fail*

- 12 (1) Sub-paragraph (2) applies if— (a) the employer informs the...

*Acceptance of applications*

- 13 The CAC must give notice to the parties of receipt...  
14 (1) This paragraph applies if— (a) two or more relevant...  
15 (1) This paragraph applies to these applications—  
16 (1) If an application under paragraph 11 or 12 is...

*Notice to cease consideration of application*

- 17 (1) This paragraph applies if the CAC has received an...

*Appropriate bargaining unit*

- 18 (1) If the CAC accepts an application under paragraph 11(2)...  
18A (1) This paragraph applies if the CAC accepts an application...  
19 (1) This paragraph applies if— (a) the CAC accepts an...  
19A (1) This paragraph applies if— (a) the CAC accepts an...  
19B (1) This paragraph applies if the CAC has to decide...

*Union communications with workers after acceptance of application*

- 19C (1) This paragraph applies if the CAC accepts an application...  
19D (1) An employer who is informed by the CAC under...  
19E (1) During the initial period, the appointed person must if...  
19F (1) If the CAC is satisfied that the employer has...

*Union recognition*

- 20 (1) This paragraph applies if— (a) the CAC accepts an...  
21 (1) This paragraph applies if— (a) the CAC accepts an...  
22 (1) This paragraph applies if— (a) the CAC proceeds with...  
23 (1) This paragraph applies if— (a) the CAC proceeds with...  
24 (1) This paragraph applies if the CAC gives notice under...  
25 (1) This paragraph applies if the CAC arranges under paragraph...  
26 (1) An employer who is informed by the CAC under...  
27 (1) If the CAC is satisfied that the employer has...  
27A (1) Each of the parties informed by the CAC under...  
27B (1) A party may complain to the CAC that another...  
27C (1) This paragraph applies if the CAC decides that a...  
27D (1) This paragraph applies if the CAC issues a declaration...  
27E (1) This paragraph applies if the CAC issues a declaration...  
27F (1) This paragraph applies if the CAC gives a notice...  
28 (1) This paragraph applies if the holding of a ballot...  
29 (1) As soon as is reasonably practicable after the CAC...  
30 (1) This paragraph applies if the CAC issues a declaration...  
31 (1) This paragraph applies if an application for assistance is...

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*Method not carried out*

- 32 (1) This paragraph applies if— (a) the CAC issues a...

*General provisions about admissibility*

- 33 An application under paragraph 11 or 12 is not admissible...  
 34 An application under paragraph 11 or 12 is not admissible...  
 35 (1) An application under paragraph 11 or 12 is not...  
 36 (1) An application under paragraph 11 or 12 is not...  
 37 (1) This paragraph applies to an application made by more...  
 38 (1) This paragraph applies if— (a) the CAC accepts a...  
 39 (1) This paragraph applies if the CAC accepts a relevant...  
 40 (1) This paragraph applies if the CAC issues a declaration...  
 41 (1) This paragraph applies if the CAC issues a declaration...  
 42 (1) This paragraph applies for the purposes of paragraphs 39...  
 43 (1) Paragraphs 44 to 50 apply if the CAC has...  
 44 (1) The application in question is invalid if the CAC...  
 45 The application in question is invalid unless the CAC decides...  
 46 (1) This paragraph applies if— (a) the CAC accepts an...  
 47 (1) This paragraph applies if the CAC accepts an application...  
 48 (1) This paragraph applies if the CAC issues a declaration...  
 49 (1) This paragraph applies if the CAC issues a declaration...  
 50 (1) This paragraph applies for the purposes of paragraphs 47...

*Competing applications*

- 51 (1) For the purposes of this paragraph—  
 Part II — VOLUNTARY RECOGNITION

*Agreements for recognition*

- 52 (1) This paragraph applies for the purposes of this Part...

*Other interpretation*

- 53 (1) This paragraph applies for the purposes of this Part...  
 54 (1) This paragraph applies for the purposes of this Part...

*Determination of type of agreement*

- 55 (1) This paragraph applies if one or more of the...

*Termination of agreement for recognition*

- 56 (1) The employer may not terminate an agreement for recognition...  
 57 (1) If an agreement for recognition is terminated, as from...

*Application to CAC to specify method*

- 58 (1) This paragraph applies if the parties make an agreement...  
 59 (1) This paragraph applies if— (a) the parties to an...  
 60 (1) This paragraph applies if an application for assistance is...  
 61 (1) An application to the CAC is not admissible unless—...



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*CAC's response to application*

- 62 (1) The CAC must give notice to the parties of...  
63 (1) If the CAC accepts an application it must try...  
Part III — CHANGES AFFECTING BARGAINING UNIT

*Introduction*

- 64 (1) This Part of this Schedule applies if—  
65 References in this Part of this Schedule to the parties...

*Either party believes unit no longer appropriate*

- 66 (1) This paragraph applies if the employer believes or the...  
67 (1) An application under paragraph 66 is not admissible unless...  
68 (1) The CAC must give notice to the parties of...  
69 (1) This paragraph applies if— (a) the CAC gives notice...  
70 (1) This paragraph applies if— (a) the CAC gives notice...  
71 If the CAC gives notice under paragraph 70 of a...  
72 Paragraph 82 applies if the CAC gives notice under paragraph...  
73 (1) This paragraph applies if— (a) the parties agree under...

*Employer believes unit has ceased to exist*

- 74 (1) If the employer— (a) believes that the original unit...  
75 (1) Paragraph 76 applies if— (a) the CAC gives notice...  
76 (1) The CAC must give notice to the parties of...  
77 (1) If the CAC accepts an application it—  
78 (1) This paragraph applies if— (a) the CAC gives notice...  
79 (1) This paragraph applies if— (a) the CAC gives notice...  
80 Paragraph 82 applies if the CAC gives notice under paragraph...  
81 (1) This paragraph applies if— (a) the parties agree under...

*Position where CAC decides new unit*

- 82 (1) This paragraph applies if the CAC gives notice under...  
83 (1) This paragraph applies if in the CAC's opinion the...  
84 (1) This paragraph applies if in the CAC's opinion the...  
85 (1) If the CAC's opinion is not that mentioned in...  
86 (1) This paragraph applies if the CAC decides under paragraph...  
87 (1) This paragraph applies if— (a) the CAC decides both...  
88 (1) This paragraph applies if— (a) the CAC decides both...  
89 (1) If the CAC gives notice under paragraph 87(3) or...

*Residual workers*

- 90 (1) This paragraph applies if— (a) the CAC decides an...  
91 (1) This paragraph applies if— (a) the CAC has proceeded...

*Applications under this Part*

- 92 (1) An application to the CAC under this Part of...

*Withdrawal of application*

- 93 (1) If an application under paragraph 66 or 75 is...

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### *Meaning of collective bargaining*

- 94 (1) This paragraph applies for the purposes of this Part...

### *Method of collective bargaining*

- 95 (1) This paragraph applies for the purposes of this Part...  
Part IV — DERECOGNITION: GENERAL

### *Introduction*

- 96 (1) This Part of this Schedule applies if the CAC...  
97 For the purposes of this Part of this Schedule the...  
98 References in this Part of this Schedule to the parties...

### *Employer employs fewer than 21 workers*

- 99 (1) This paragraph applies if— (a) the employer believes that...  
99A (1) A notice given for the purposes of paragraph 99(2)...  
100 (1) Within the validation period the CAC must decide whether...  
101 (1) This paragraph applies if— (a) the CAC gives notice...  
102 (1) The CAC must give notice to the parties of...  
103 (1) If the CAC accepts an application it—

### *Employer's request to end arrangements*

- 104 (1) This paragraph and paragraphs 105 to 111 apply if...  
105 (1) If before the end of the first period the...  
106 (1) This paragraph applies if— (a) before the end of...  
107 (1) This paragraph applies if — (a) the union informs...  
108 (1) An application under paragraph 106 or 107 is not...  
109 (1) An application under paragraph 106 or 107 is not...  
110 (1) An application under paragraph 106 or 107 is not...  
111 (1) The CAC must give notice to the parties of...

### *Workers' application to end arrangements*

- 112 (1) A worker or workers falling within the bargaining unit...  
113 (1) An application under paragraph 112 is not admissible if—...  
114 (1) An application under paragraph 112 is not admissible unless...  
115 (1) The CAC must give notice to the worker (or...  
116 (1) If the CAC accepts the application, in the negotiation...

### *Ballot on derecognition*

- 117 (1) This paragraph applies if the CAC accepts an application...  
118 (1) An employer who is informed by the CAC under...  
119 (1) If the CAC is satisfied that the employer has...  
119A (1) Each of the parties informed by the CAC under...  
119B (1) A party may complain to the CAC that another...  
119C (1) This paragraph applies if the CAC decides that a...  
119D (1) This paragraph applies if the CAC issues a declaration...  
119E (1) This paragraph applies if the CAC issues a declaration...  
119F (1) This paragraph applies if the CAC makes arrangements under...  
119G (1) Paragraphs 119A to 119C, 119E and 119F apply in...  
119H (1) This paragraph applies in relation to an application under...

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- 119I (1) This paragraph applies if— (a) a ballot has been...  
120 (1) This paragraph applies if the holding of a ballot...  
121 (1) As soon as is reasonably practicable after the CAC...  
Part V — DERECOGNITION WHERE RECOGNITION AUTOMATIC

#### *Introduction*

- 122 (1) This Part of this Schedule applies if—  
123 (1) This Part of this Schedule also applies if—  
124 (1) This Part of this Schedule also applies if the...  
125 For the purposes of this Part of this Schedule the...  
126 References in this Part of this Schedule to the parties...

#### *Employer's request to end arrangements*

- 127 (1) The employer may after the relevant date request the...  
128 (1) If before the end of the negotiation period the...  
129 (1) An application under paragraph 128 is not admissible unless—...  
130 (1) An application under paragraph 128 is not admissible if—...  
131 (1) An application under paragraph 128 is not admissible unless...  
132 (1) The CAC must give notice to the parties of...

#### *Ballot on derecognition*

- 133 (1) Paragraph 117 applies if the CAC accepts an application...  
Part VI — DERECOGNITION WHERE UNION NOT INDEPENDENT

#### *Introduction*

- 134 (1) This Part of this Schedule applies if—  
135 In this Part of this Schedule— (a) references to the...  
136 The meaning of collective bargaining given by section 178(1) shall...

#### *Workers' application to end arrangements*

- 137 (1) A worker or workers falling within the bargaining unit...  
138 An application under paragraph 137 is not admissible if the...  
139 (1) An application under paragraph 137 is not admissible unless...  
140 An application under paragraph 137 is not admissible if the...  
141 (1) The CAC must give notice to the worker (or...  
142 (1) If the CAC accepts the application, in the negotiation...  
143 (1) This paragraph applies if— (a) the CAC accepts an...  
144 (1) This paragraph applies if the CAC is subsequently satisfied...  
145 (1) This paragraph applies if the CAC is subsequently satisfied...  
146 (1) This paragraph applies if— (a) the CAC accepts an...

#### *Ballot on derecognition*

- 147 (1) Paragraph 117 applies if— (a) the CAC accepts an...

#### *Derecognition: other cases*

- 148 (1) This paragraph applies if as a result of a...  
Part VII — LOSS OF INDEPENDENCE

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### *Introduction*

- 149 (1) This Part of this Schedule applies if the CAC...  
 150 (1) This Part of this Schedule also applies if—  
 151 References in this Part of this Schedule to the parties...

### *Loss of certificate*

- 152 (1) This paragraph applies if— (a) only one union is...

### *Certificate re-issued*

- 153 (1) This paragraph applies if— (a) only one union is...

### *Miscellaneous*

- 154 Parts III to VI of this Schedule shall not apply...  
 155 If— (a) by virtue of paragraph 153 the bargaining arrangements...  
 Part VIII — DETRIMENT

### *Detriment*

- 156 (1) A worker has a right not to be subjected...  
 157 (1) An employment tribunal shall not consider a complaint under...  
 158 On a complaint under paragraph 156 it shall be for...  
 159 (1) If the employment tribunal finds that a complaint under...  
 160 (1) If the employment tribunal finds that a complaint under...

### *Dismissal*

- 161 (1) For the purposes of Part X of the Employment...

### *Selection for redundancy*

- 162 For the purposes of Part X of the Employment Rights...

### *Employees with fixed-term contracts*

- 163 Section 197(1) of the Employment Rights Act 1996 (fixed-term contracts)...

### *Exclusion of requirement as to qualifying period*

- 164 Sections 108 and 109 of the Employment Rights Act 1996...

### *Meaning of worker's contract*

- 165 References in this Part of this Schedule to a worker's...  
 Part IX — GENERAL

### *Rights of appeal against demands for costs*

- 165A (1) This paragraph applies where a demand has been made...

### *Power to amend*

- 166 (1) If the CAC represents to the Secretary of State...  
 166A (1) This paragraph applies in relation to any provision of...  
 166B (1) The Secretary of State may by order provide that,...

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### *Guidance*

167 (1) The Secretary of State may issue guidance to the...

#### *Method of conducting collective bargaining*

168 (1) After consulting ACAS the Secretary of State may by...

#### *Directions about certain applications*

169 (1) The Secretary of State may make to the CAC...

#### *Effect of union amalgamations and transfers of engagements*

169A (1) The Secretary of State may by order make provision...

#### *Effect of change of identity of employer*

169B (1) The Secretary of State may by order make provision...

#### *Orders under paragraphs 169A and 169B: supplementary*

169C (1) An order under paragraph 169A or 169B may—

#### *Directions about certain applications*

169 (1) The Secretary of State may make to the CAC...

#### *Notice of declarations*

170 (1) If the CAC issues a declaration under this Schedule...

#### *Supply of information to CAC*

170A (1) The CAC may, if it considers it necessary to...

#### *CAC's general duty*

171 In exercising functions under this Schedule in any particular case...

#### *“Pay” and other matters subject to collective bargaining*

171A (1) In this Schedule “pay” does not include...

#### *General interpretation*

172 (1) References in this Schedule to the CAC are to...

SCHEDULE A2 — Tribunal jurisdictions to which section 207A applies  
Section 2 of the Equal Pay Act 1970 (c. 41)...

SCHEDULE 1 — Repeals

SCHEDULE 2 — Consequential amendments

#### *Parliamentary Commissioner Act 1967 (c.13)*

1 Schedule 2 to the Parliamentary Commissioner Act 1967 (departments and...

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*Transport Act 1968 (c.73)*

- 2 In section 63(6) of the Transport Act 1968 (objections to...

*Equal Pay Act 1970 (c.41)*

- 3 (1) The Equal Pay Act 1970 is amended as follows....

*House of Commons Disqualification Act 1975 (c.24)*

- 4 (1) The House of Commons Disqualification Act 1975 is amended...

*Social Security Pensions Act 1975 (c.60)*

- 5 .....

*Sex Discrimination Act 1975 (c.65)*

- 6 In Part VIII of the Sex Discrimination Act 1975 (supplementary...

*Race Relations Discrimination Act 1976 (c.74)*

- 7 In Part X of the Race Relations Act 1976 (supplementary...

*Aircraft and Shipbuilding Industries Act 1977 (c.3)*

- 8 (1) The Aircraft and Shipbuilding Industries Act 1977 is amended...

*Patents Act 1977 (c.37)*

- 9 In section 40 of the Patents Act 1977 (compensation for...

*House of Commons (Administration) Act 1978 (c.36)*

- 10 In Schedule 1 to the House of Commons (Administration) Act...

*Employment Protection (Consolidation) Act 1978 (c.44)*

- 11 In section 29 of the Employment Protection (Consolidation) Act 1978...

- 12 In section 30 of the Employment Protection (Consolidation) Act 1978...

- 13 For section 32 of the Employment Protection (Consolidation) Act 1978...

- 14 In section 57 of the Employment Protection (Consolidation) Act 1978...

- 15 .....

- 16 For section 72 of the Employment Protection (Consolidation) Act 1978...

- 17 In section 73 of the Employment Protection (Consolidation) Act 1978...

- 18 (1) Section 122 of the Employment Protection (Consolidation) Act 1978...

- 19 In section 132(1) of the Employment Protection (Consolidation) Act 1978...

- 20 In section 135 of the Employment Protection (Consolidation) Act 1978...

- 21 (1) Section 153 of the Employment Protection (Consolidation) Act 1978...

- 22 In Part I of Schedule 2 to the Employment Protection...

- 23 In Schedule 3 to the Employment Protection (Consolidation) Act 1978...

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24 (1) Schedule 9 to the Employment Protection (Consolidation) Act 1978...

25 In Schedule 11 to the Employment Protection (Consolidation) Act 1978...

*Crown Agents Act 1979 (c.43)*

26 In Schedule 1 to the Crown Agents Act 1979 (supplementary...

*Agricultural Training Board Act 1982 (c.9)*

27 In section 12 of the Agricultural Training Board Act 1982...

*Industrial Training Act 1982 (c.10)*

28 In section 21 of the Industrial Training Act 1982 (short...

*Oil and Gas (Enterprise) Act 1982 (c.23)*

29 (1) Schedule 3 to the Oil and Gas (Enterprise) Act...

*Employment Act 1982 (c.46)*

30 In section 21 of the Employment Act 1982 (interpretation, &c.),...

*Insurance Companies Act 1982 (c.50)*

31 In section 2(2) of the Insurance Companies Act 1982 (exceptions...

*Value Added Tax Act 1983 (c.55)*

32 In Schedule 6 to the Value Added Tax Act 1983...

*Insolvency Act 1986 (c.45)*

33 In Schedule 6 to the Insolvency Act 1986 (preferential debts),...

*Wages Act 1986 (c.48)*

34 (1) The Wages Act 1986 is amended as follows.

*Building Societies Act 1986 (c.53)*

35 In section 7(4)(c)(iii) of the Building Societies Act 1986 (shares...

*Sex Discrimination Act 1986 (c.59)*

36 In section 6 of the Sex Discrimination Act 1986 (application...

*Income and Corporation Taxes Act 1988 (c.1)*

37 In section 467 of the Income and Corporation Taxes Act...

*Local Government Act 1988 (c.9)*

38 In section 17 of the Local Government Act 1988 (local...

*Local Government and Housing Act 1989 (c.42)*

39 (1) In section 12 of the Local Government and Housing...

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*Industrial Relations (Northern Ireland) Order 1992 (S.I. 1992 No. 807 (N.I. 5))*

40 (1) The Industrial Relations (Northern Ireland) Order 1992 is amended...

SCHEDULE 3 — Transitional provisions and savings

*Continuity of the law*

1 (1) The repeal and re-enactment of provisions in this Act...

*General saving for old transitional provisions and savings*

2 (1) The repeal by this Act of a transitional provision...

*Effect of repeal of 1946 Act*

3 The repeal by this Act of the Trade Disputes and...

*Pre-1974 references to registered trade unions or employers' associations*

4 (1) Any reference in an enactment passed, or instrument made...

*Enforceability of collective agreements*

5 Section 179 of this Act (enforceability of collective agreements) does...

*Trade unions and employers' associations ceasing to be incorporated by virtue of 1974 Act*

6 (1) The repeal by this Act of section 19 of...

*References to former Industrial Arbitration Board*

7 Any reference to the former Industrial Arbitration Board in relation...

*Effect of political resolution passed before 1984 amendments*

8 A resolution under section 3 of the Trade Union Act...

*Persons elected to trade union office before 1988 amendments*

9 (1) In relation to a person who was, within the...

10 In relation to a person who was elected to a...

*Qualification to act as auditor of trade union or employers' association*

11 (1) Nothing in section 34 (eligibility for appointment as auditor)...

*Industrial Relations (Northern Ireland) Order 1992 (S.I. 1992/807 (N.I. 5))*

12 (1) The following provisions have effect only if, or to...

*Use of existing forms, &c.*

13 Any document made, served or issued on or after the...

*Saving for power to vary or revoke*

14 The power of the Secretary of State by further order...



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The following abbreviations are used in this Table:— 1875 Conspiracy...

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