



Trade Union and Labour Relations (Consolidation) Act 1992

CHAPTER 52

TRADE UNION AND LABOUR RELATIONS (CONSOLIDATION) ACT 1992

PART I

TRADE UNIONS

CHAPTER I

INTRODUCTORY

Meaning of "trade union"

- 1 Meaning of "trade union".

The list of trade unions

- 2 The list of trade unions.
- 3 Application to have name entered in the list.
- 4 Removal of name from the list.

Certification as independent trade union

- 5 Meaning of "independent trade union".
- 6 Application for certificate of independence.
- 7 Withdrawal or cancellation of certificate.
- 8 Conclusive effect of Certification Officer's decision.

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Supplementary

- 9 Appeal against decision of Certification Officer.

CHAPTER II

STATUS AND PROPERTY OF TRADE UNIONS

General

- 10 Quasi-corporate status of trade unions.
11 Exclusion of common law rules as to restraint of trade.

Property of trade union

- 12 Property to be vested in trustees.
13 Vesting of property in new trustees.
14 Transfer of securities held in trust for trade union.
15 Prohibition on use of funds to indemnify unlawful conduct.
16 Remedy against trustees for unlawful use of union property.
17 Nominations by members of trade unions.
18 Payments out of union funds on death of member.
19 Application of certain provisions relating to industrial assurance or friendly societies.

Liability of trade unions in proceedings in tort

- 20 Liability of trade union in certain proceedings in tort.
21 Repudiation by union of certain acts.
22 Limit on damages awarded against trade unions in actions in tort.

Restriction on enforcement against certain property

- 23 Restriction on enforcement of awards against certain property.

CHAPTER III

TRADE UNION ADMINISTRATION

Register of members' names and addresses

- 24 Duty to maintain register of members' names and addresses.
24A Securing confidentiality of register during ballots.
25 Remedy for failure: application to Certification Officer.
26 Remedy for failure: application to court.

Duty to supply copy of rules

- 27 Duty to supply copy of rules.

Accounting records

- 28 Duty to keep accounting records.
29 Duty to keep records available for inspection.
30 Right of access to accounting records.
31 Remedy for failure to comply with request for access.

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Annual return, accounts and audit

- 32 Annual return.
- 32A Statement to members following annual return.
- 33 Duty to appoint auditors.
- 34 Eligibility for appointment as auditor.
- 35 Appointment and removal of auditors.
- 36 Auditors' report.
- 37 Rights of auditors.

Investigation of financial affairs

- 37A Power of Certification Officer to require production of documents etc.
- 37B Investigations by inspectors.
- 37C Inspectors' reports etc.
- 37D Expenses of investigations.
- 37E Sections 37A and 37B: supplementary.

Members' superannuation schemes

- 38 Members' superannuation schemes: separate fund to be maintained.
- 39 Examination of proposals for new scheme.
- 40 Periodical re-examination of existing schemes.
- 41 Powers of the Certification Officer.
- 42 Meaning of "appropriately qualified actuary".

Supplementary

- 43 Newly-formed trade unions.
- 44 Discharge of duties in case of union having branches or sections.
- 45 Offences.
- 45A Penalties and prosecution time limits.
- 45B Duty to secure positions not held by certain offenders.
- 45C Remedies and enforcement.
- 45D Appeals from Certification Officer.

CHAPTER IV

ELECTIONS FOR CERTAIN POSITIONS

Duty to hold elections

- 46 Duty to hold elections for certain positions.

Requirements to be satisfied with respect to elections

- 47 Candidates.
- 48 Election addresses.
- 49 Appointment of independent scrutineer.
- 50 Entitlement to vote.
- 51 Voting.
- 51A Counting of votes etc. by independent person.
- 52 Scrutineer's report.
- 53 Uncontested elections.

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Remedy for failure to comply with requirements

- 54 Remedy for failure to comply with requirements: general.
- 55 Application to Certification Officer.
- 56 Application to court.
- 56A Appeals from Certification Officer.

Supplementary

- 57 Exemption of newly-formed trade unions, &c.
- 58 Exemption of certain persons nearing retirement.
- 59 Period for giving effect to election.
- 60 Overseas members.
- 61 Other supplementary provisions.

CHAPTER V

RIGHTS OF TRADE UNION MEMBERS

Right to a ballot before industrial action

- 62 Right to a ballot before industrial action.

Right not to be denied access to the courts

- 63 Right not to be denied access to the courts.

Right not to be unjustifiably disciplined

- 64 Right not to be unjustifiably disciplined.
- 65 Meaning of “unjustifiably disciplined”.
- 66 Complaint of infringement of right.
- 67 Further remedies for infringement of right.

Right not to suffer deduction of unauthorised or excessive union subscriptions

- 68 Right not to suffer deduction of unauthorised subscriptions
- 68A Complaint of infringement of rights.

Right to terminate membership of union

- 69 Right to terminate membership of union.

Supplementary

- 70 Membership of constituent or affiliated organisation.

CHAPTER VA

COLLECTIVE BARGAINING: RECOGNITION

- 70A Recognition of trade unions.
- 70B Training.
- 70C Section 70B: complaint to employment tribunal.

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CHAPTER VI

APPLICATION OF FUNDS FOR POLITICAL OBJECTS

Restriction on use of funds for certain political objects

- 71 Restriction on use of funds for political objects.
- 72 Political objects to which restriction applies.
- 72A Application of funds in breach of section 71.

Political resolution

- 73 Passing and effect of political resolution.
- 74 Approval of political ballot rules.
- 75 Appointment of independent scrutineer.
- 76 Entitlement to vote.
- 77 Voting.
- 77A Counting of votes etc. by independent person.
- 78 Scrutineer's report.
- 79 Remedy for failure to comply with ballot rules: general.
- 80 Application to Certification Officer.
- 81 Application to court.

The political fund

- 82 Rules as to political fund.
- 83 Assets and liabilities of political fund.
- 84 Notice of objection to contributing to political fund.
- 85 Manner of giving effect to section 84

Duties of employer who deducts union contributions

- 86 Certificate of exemption or objection to contributing to political fund.
- 87 Complaint in respect of employer's failure.
- 88 Application of provisions of Wages Act 1986.

Position where political resolution ceases to have effect

- 89 Administration of political fund where no resolution in force.
- 90 Discontinuance of contributions to political fund.
- 91 Rules to cease to have effect.

Supplementary

- 92 Manner of making union rules.
- 93 Effect of amalgamation.
- 94 Overseas members of trade union.
- 95 Appeals from Certification Officer.
- 96 Meaning of "date of the ballot".

CHAPTER VII

AMALGAMATIONS AND SIMILAR MATTERS

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Amalgamation or transfer of engagements

- 97 Amalgamation or transfer of engagements.
- 98 Approval of instrument of amalgamation or transfer.
- 99 Notice to be given to members.
- 100 Requirement of ballot on resolution.
- 100A Appointment of independent scrutineer.
- 100B Entitlement to vote.
- 100C Voting.
- 100D Counting of votes etc. by independent person.
- 100E Scrutineer's report.
- 101 Registration of instrument of amalgamation or transfer.
- 101A Listing and certification after amalgamation
- 101B Supply of information by amalgamated union
- 102 Power to alter rules of transferee union for purposes of transfer.
- 103 Complaints as regards passing of resolution.
- 104 Appeal from decision of Certification Officer.
- 105 Transfer of property on amalgamation or transfer.
- 106 Amalgamation or transfer involving Northern Ireland union.

Change of name

- 107 Change of name of trade union.

Supplementary

- 108 General power to make regulations.

CHAPTER VIIA

BREACH OF RULES

- 108A Right to apply to Certification Officer.
- 108B Declarations and orders.
- 108C Appeals from Certification Officer.

CHAPTER VIII

ASSISTANCE FOR CERTAIN LEGAL PROCEEDINGS

- 109 Proceedings in relation to which assistance may be provided.
- 110 Application for assistance: its consideration.
- 111 Provision of assistance.
- 112 Title of proceedings where assistance provided.
- 113 Recovery of sums paid in case of fraud.
- 114 Supplementary provisions.

CHAPTER IX

MISCELLANEOUS AND GENERAL PROVISIONS

Further provisions with respect to ballots

- 115 Payments towards expenditure in connection with secret ballots.
- 116 Use of employer's premises for secret ballot.

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Union modernisation

116A Provision of money for union modernisation

Exceptions and adaptations for certain bodies

- 117 Special register bodies.
- 118 Federated trade unions.

Interpretation

- 119 Expressions relating to trade unions.
- 120 Northern Ireland unions.
- 121 Meaning of "the court".

PART II

EMPLOYERS' ASSOCIATIONS

Introductory

- 122 Meaning of "employers' association".

The list of employers' associations

- 123 The list of employers' associations.
- 124 Application to have name entered in the list.
- 125 Removal of name from the list.
- 126 Appeal against decision of Certification Officer.

Status and property of employers' associations

- 127 Corporate or quasi-corporate status of employers' associations.
- 128 Exclusion of common law rules as to restraint of trade.
- 129 Property of unincorporated employers' associations, &c.
- 130 Restriction on enforcement of awards against certain property.

Administration of employers' associations

- 131 Administrative provisions applying to employers' associations.

Application of funds for political objects

- 132 Application of funds for political objects.

Amalgamations and similar matters

- 133 Amalgamations and transfers of engagements.
- 134 Change of name of employers' association.

General

- 135 Federated employers' associations.
- 136 Meaning of "officer" of employers' association.

PART III

RIGHTS IN RELATION TO UNION MEMBERSHIP AND ACTIVITIES

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Access to employment

- 137 Refusal of employment on grounds related to union membership.
- 138 Refusal of service of employment agency on grounds related to union membership.
- 139 Time limit for proceedings.
- 140 Remedies.
- 141 Complaint against employer and employment agency.
- 142 Awards against third parties.
- 143 Interpretation and other supplementary provisions.

Contracts for supply of goods or services

- 144 Union membership requirement in contract for goods or services void.
- 145 Refusal to deal on union membership grounds prohibited.

Inducements

- 145A Inducements relating to union membership or activities
- 145B Inducements relating to collective bargaining
- 145C Time limit for proceedings
- 145D Consideration of complaint
- 145E Remedies
- 145F Interpretation and other supplementary provisions

Action short of dismissal

- 146 Action short of dismissal on grounds related to union membership or activities.
- 147 Time limit for proceedings.
- 148 Consideration of complaint.
- 149 Remedies.
- 150 Awards against third parties.
- 151 Interpretation and other supplementary provisions.

Dismissal

- 152 Dismissal on grounds related to union membership or activities.
- 153 Selection for redundancy on grounds related to union membership or activities.
- 154 Exclusion of requirement as to qualifying period, &c.
- 155 Matters to be disregarded in assessing contributory fault.
- 156 Minimum basic award.
- 157 Special award of compensation.
- 158 Amount of special award.
- 159 Power to increase sums by order.
- 160 Awards against third parties.
- 161 Application for interim relief.
- 162 Application to be promptly determined.
- 163 Procedure on hearing of application and making of order.
- 164 Order for continuation of contract of employment.
- 165 Application for variation or revocation of order.
- 166 Consequences of failure to comply with order.
- 167 Interpretation and other supplementary provisions.

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Time off for trade union duties and activities

- 168 Time off for carrying out trade union duties.
- 168A Time off for union learning representatives
- 169 Payment for time off under section 168.
- 170 Time off for trade union activities.
- 171 Time limit for proceedings.
- 172 Remedies.
- 173 Interpretation and other supplementary provisions.

Right to membership of trade union

- 174 Right not to be excluded or expelled from union.
- 175 Time limit for proceedings.
- 176 Remedies.
- 177 Interpretation and other supplementary provisions.

PART IV

INDUSTRIAL RELATIONS

CHAPTER I

COLLECTIVE BARGAINING

Introductory

- 178 Collective agreements and collective bargaining.

Enforceability of collective agreements

- 179 Whether agreement intended to be a legally enforceable contract.
- 180 Effect of provisions restricting right to take industrial action.

Disclosure of information for purposes of collective bargaining

- 181 General duty of employers to disclose information.
- 182 Restrictions on general duty.
- 183 Complaint of failure to disclose information.
- 184 Further complaint of failure to comply with declaration.
- 185 Determination of claim and award.

Prohibition of union recognition requirements

- 186 Recognition requirement in contract for goods or services void.
- 187 Refusal to deal on grounds of union exclusion prohibited.

CHAPTER II

PROCEDURE FOR HANDLING REDUNDANCIES

Duty of employer to consult . . . representatives

- 188 Duty of employer to consult . . . representatives.
- 188A (1) The requirements for the election of employee representatives under...
- 189 Complaint . . . and protective award.

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- 190 Entitlement under protective award.
- 191 Termination of employment during protected period.
- 192 Complaint by employee to employment tribunal.

Duty of employer to notify Secretary of State

- 193 Duty of employer to notify Secretary of State of certain redundancies.
- 194 Offence of failure to notify.

Supplementary provisions

- 195 Construction of references to dismissal as redundant etc.
- 196 Construction of references to representatives.
- 197 Power to vary provisions.
- 198 Power to adapt provisions in case of collective agreement.

CHAPTER III

CODES OF PRACTICE

Codes of Practice issued by ACAS

- 199 Issue of Codes of Practice by ACAS.
- 200 Procedure for issue of Code by ACAS.
- 201 Consequential revision of Code issued by ACAS.
- 202 Revocation of Code issued by ACAS.

Codes of Practice issued by the Secretary of State

- 203 Issue of Codes of Practice by the Secretary of State.
- 204 Procedure for issue of Code by Secretary of State.
- 205 Consequential revision of Code issued by Secretary of State.
- 206 Revocation of Code issued by Secretary of State.

Supplementary provisions

- 207 Effect of failure to comply with Code.
- 207A Effect of failure to comply with Code: adjustment of awards
- 208 Provisions of earlier Code superseded by later.

CHAPTER IV

GENERAL

Functions of ACAS

- 209 General duty to promote improvement of industrial relations.
- 210 Conciliation.
- 210A Information required by ACAS for purposes of settling recognition disputes
- 211 Conciliation officers.
- 212 Arbitration.
- 212A Arbitration scheme for unfair dismissal cases etc.
- 212B Dismissal procedures agreements.
- 213 Advice.
- 214 Inquiry.

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Courts of inquiry

- 215 Inquiry and report by court of inquiry.
- 216 Constitution and proceedings of court of inquiry.

Supplementary provisions

- 217 Exclusion of power of arbiter to state case to Court of Session.
- 218 Meaning of "trade dispute" in Part IV.

PART V

INDUSTRIAL ACTION

Protection of acts in contemplation or furtherance of trade dispute

- 219 Protection from certain tort liabilities.
- 220 Peaceful picketing.
- 221 Restrictions on grant of injunctions and interdicts.

Action excluded from protection

- 222 Action to enforce trade union membership.
- 223 Action taken because of dismissal for taking unofficial action.
- 224 Secondary action.
- 225 Pressure to impose union recognition requirement.

Requirement of ballot before action by trade union

- 226 Requirement of ballot before action by trade union.
- 226A Notice of ballot and sample voting paper for employers.
- 226B Appointment of scrutineer.
- 226C Exclusion for small ballots.
- 227 Entitlement to vote in ballot.
- 228 Separate workplace ballots.
- 228A Separate workplaces: single and aggregate ballots.
- 229 Voting paper.
- 230 Conduct of ballot.
- 231 Information as to result of ballot.
- 231A Employers to be informed of ballot result.
- 231B Scrutineer's report.
- 232 Balloting of overseas members.
- 232A Inducement of member denied entitlement to vote.
- 232B Small accidental failures to be disregarded.
- 233 Calling of industrial action with support of ballot.
- 234 Period after which ballot ceases to be effective.

Requirement on trade union to give notice of industrial action

- 234A Notice to employers of industrial action.
- 235 Construction of references to contract of employment.

Industrial action affecting supply of goods or services to an individual

- 235A Industrial action affecting supply of goods or services to an individual.
- 235B Application for assistance for proceedings under section 235A.
- 235C Provisions supplementary to section 235B.

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No compulsion to work

236 No compulsion to work.

Loss of unfair dismissal protection

237 Dismissal of those taking part in unofficial industrial action.
238 Dismissals in connection with other industrial action.
238A Participation in official industrial action.
238B Conciliation and mediation: supplementary provisions
239 Supplementary provisions relating to unfair dismissal.

Criminal offences

240 Breach of contract involving injury to persons or property.
241 Intimidation or annoyance by violence or otherwise.
242 Restriction of offence of conspiracy: England and Wales.
243 Restriction of offence of conspiracy: Scotland.

Supplementary

244 Meaning of "trade dispute" in Part V.
245 Crown employees and contracts.
246 Minor definitions.

PART VI

ADMINISTRATIVE PROVISIONS

ACAS

247 ACAS.
248 The Council of ACAS.
249 Terms of appointment of members of Council.
250 Remuneration, &c. of members of Council.
251 Secretary, officers and staff of ACAS.
251A Fees for exercise of functions by ACAS.
252 General financial provisions.
253 Annual report and accounts.

The Certification Officer

254 The Certification Officer.
255 Remuneration, &c. of Certification Officer and assistants.
256 Procedure before the Certification Officer.
256ZA Striking out
256A Vexatious litigants.
256B Vexatious litigants: applications disregarded.
257 Custody of documents submitted under earlier legislation.
258 Annual report and accounts.

Central Arbitration Committee

259 The Central Arbitration Committee.
260 The members of the Committee.
261 Terms of appointment of members of Committee.
262 Remuneration, &c. of members of Committee.

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- 263 Proceedings of the Committee.
- 263A Proceedings of the Committee under Schedule A1.
- 264 Awards of the Committee.
- 265 Annual report and accounts.

*The Commissioner for the Rights of Trade Union Members and the
Commissioner for Protection Against Unlawful Industrial Action*

- 266 The Commissioners.
- 267 Terms of appointment of Commissioner.
- 268 Remuneration, pension, &c.
- 269 Staff of the Commissioner.
- 270 Financial provisions.
- 271 Annual report and accounts.

Supplementary

- 272 Meaning of financial year.

PART VII

MISCELLANEOUS AND GENERAL

Crown employment, etc.

- 273 Crown employment.
- 274 Armed forces.
- 275 Exemption on grounds of national security.
- 276 Further provision as to Crown application.

House of Lords and House of Commons staff

- 277 House of Lords staff.
- 278 House of Commons staff.

Health service practitioners

- 279 Health service practitioners.

Police service

- 280 Police service.

Excluded classes of employment

- 281 Part-time employment.
- 282 Short-term employment.
- 283 Mariners.
- 284 Share fishermen.
- 285 Employment outside Great Britain.
- 286 Power to make further provision as to excluded classes of employment.

Offshore employment

- 287 Offshore employment.

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Contracting out, &c.

- 288 Restriction on contracting out.
- 289 Employment governed by foreign law.

Employment tribunal proceedings

- 290 General provisions as to conciliation.
- 291 Right of appeal from industrial tribunal.

Other supplementary provisions

- 292 Death of employee or employer.
- 293 Regulations.
- 294 Reciprocal arrangements with Northern Ireland.

Interpretation

- 295 Meaning of employee and related expressions.
- 296 Meaning of worker and related expressions.
- 297 Associated employers.
- 298 Minor definitions: general.
- 299 Index of defined expressions.

Final provisions

- 300 Repeals, consequential amendments, transitional provisions and savings.
- 301 Extent.
- 302 Commencement.
- 303 Short title.

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

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)

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

1978...

25

Crown Agents Act 1979 (c.43)

26

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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

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

Insolvency Act 1986 (c.45)

33

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...

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

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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

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...

— TABLE OF DERIVATIONS

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

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