



Trade Union and Labour Relations (Consolidation) Act 1992

CHAPTER 52

TRADE UNION AND LABOUR RELATIONS (CONSOLIDATION) ACT 1992

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TRADE UNIONS

CHAPTER I

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- 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...
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- 15 (1) This paragraph applies to these applications—
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 50 (1) This paragraph applies for the purposes of paragraphs 47...

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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—...

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—

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- 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...

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) If an employer gives notice for the purposes of...
 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...

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- 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...
- 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

Status: Point in time view as at 08/12/2021.

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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

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...

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

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...

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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 145A of this Act (inducements relating...

SCHEDULE A3 — Certification Officer: investigatory powers

Introduction

1 (1) The following are "relevant obligations" for the...

Power of Certification Officer to require production of documents etc

2 (1) If the Certification Officer thinks there is good reason...

Investigation by inspectors

3 (1) If the Certification Officer has reasonable grounds to suspect...

Inspectors' reports etc

4 (1) An inspector or inspectors appointed under paragraph 3—

Enforcement of paragraphs 2 and 3 by Certification Officer

5 (1) Where the Certification Officer is satisfied that a trade...

Supplementary

6 (1) Nothing in this Schedule requires or authorises anyone to...

SCHEDULE A4 — Certification Officer: power to impose financial penalties

Introduction

1 (1) In this Schedule "enforcement order" means an...

Power to impose financial penalties

2 (1) Where the Certification Officer— (a) makes an enforcement order,...

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Enforcement of conditional penalty order

3 (1) This paragraph applies where the Certification Officer has made...

Representations

4 Before making a penalty order or a conditional penalty order,...

Appeals

5 A person in default may appeal to the Employment Appeal...

Amount of penalty

6 (1) The amount specified in a penalty order or a...

Early or late payment, and enforcement

7 (1) In relation to orders under this Schedule requiring payment...

Regulations

8 (1) Regulations may make provision that is incidental or supplementary...

Payment of penalties etc into Consolidated Fund

9 The Certification Officer shall pay into the Consolidated Fund amounts...

SCHEDULE 1 — Repeals

SCHEDULE 2 — Consequential amendments

Parliamentary Commissioner Act 1967 (c.13)

1 Consequential amendments

Transport Act 1968 (c.73)

2 Consequential amendments

...

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 Consequential amendments

Sex Discrimination Act 1975 (c.65)

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

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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 Consequential amendments
12 Consequential amendments
13 Consequential amendments
14 Consequential amendments
15 Consequential amendments
16 Consequential amendments
17 Consequential amendments
18 Consequential amendments
19 Consequential amendments
20 Consequential amendments
21 Consequential amendments
22 Consequential amendments
23 Consequential amendments
24 Consequential amendments
25 Consequential amendments

Crown Agents Act 1979 (c.43)

26 Consequential amendments

Agricultural Training Board Act 1982 (c.9)

27 Consequential amendments

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 Consequential amendments

Employment Act 1982 (c.46)

30 Consequential amendments

Insurance Companies Act 1982 (c.50)

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

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Value Added Tax Act 1983 (c.55)

32 Consequential amendments

Insolvency Act 1986 (c.45)

33 Consequential amendments

Wages Act 1986 (c.48)

34 Consequential amendments

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 Consequential amendments

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

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...

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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 Transitional provisions and savings

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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