

Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Paragraph 51 is up to date with all changes known to be in force on or before 17 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

^{F1}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

Competing applications

- 51 (1) For the purposes of this paragraph—
- (a) the original application is the application referred to in paragraph 38(1) or 46(1), and
 - (b) the competing application is the other application referred to in paragraph 38(2) or the application in question referred to in paragraph 46(2);
- but an application cannot be an original application unless it was made under paragraph 11(2) or 12(2).
- (2) This paragraph applies if—
- (a) the CAC decides that the competing application is not admissible by reason of paragraph 38 or is invalid by reason of paragraph 46,
 - (b) at the time the decision is made the parties to the original application have not agreed the appropriate bargaining unit under paragraph 18, and the CAC has not decided the appropriate bargaining unit under paragraph 19 [^{F1}or 19A], in relation to the application, and
 - (c) the 10 per cent test (within the meaning given by paragraph 14) is satisfied with regard to the competing application.
- (3) In such a case—
- (a) the CAC must cancel the original application,
 - (b) the CAC must give notice to the parties to the application that it has been cancelled,
 - (c) no further steps are to be taken under this Part of this Schedule in relation to the application, and

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(d) the application shall be treated as if it had never been admissible.

Textual Amendments

F1 Words in Sch. A1 para. 51(2)(b) inserted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\)](#), ss. 57(1), 59(2)-(4), [Sch. 1 para. 23\(15\)](#); S.I. 2005/872, [art. 4](#), Sch. 1 (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](#)