Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)
SCHEDULE A1 – Collective Bargaining: Recognition
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S C H E D U L E S

^{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 III

CHANGES AFFECTING BARGAINING UNIT

Position where CAC decides new unit

87   (1) This paragraph applies if—

    (a)   the CAC decides both the questions in paragraph 86(2) in the affirmative, and

    (b)   the CAC is satisfied that a majority of the workers constituting the new unit are members of the union (or unions).

(2) The CAC must issue a declaration that the union is (or unions are) recognised as entitled to conduct collective bargaining on behalf of the workers constituting the new unit.

(3) But if any of the three qualifying conditions is fulfilled, instead of issuing a declaration under sub-paragraph (2) the CAC must give notice to the parties that it intends to arrange for the holding of a secret ballot in which the workers constituting the new unit are asked whether they want the union (or unions) to conduct collective bargaining on their behalf.

(4) These are the three qualifying conditions—

    (a)   the CAC is satisfied that a ballot should be held in the interests of good industrial relations;

    [^{F1}(b)   the CAC has evidence, which it considers to be credible, from a significant number of the union members within the new bargaining unit that they do not want the union (or unions) to conduct collective bargaining on their behalf;]

    (c)   membership evidence is produced which leads the CAC to conclude that there are doubts whether a significant number of the union members within

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is up to date with all changes known to be in force on or before 18 August 2024. There are changes
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the new unit want the union (or unions) to conduct collective bargaining on their behalf.

(5) For the purposes of sub-paragraph (4)(c) membership evidence is—

  (a)   evidence about the circumstances in which union members became members;

  (b)   evidence about the length of time for which union members have been members, in a case where the CAC is satisfied that such evidence should be taken into account.

(6) If the CAC issues a declaration under sub-paragraph (2)—

  (a)   so far as it affects workers in the new unit who fall within the original unit, the declaration shall have effect in place of any declaration that the union is (or unions are) recognised as entitled to conduct collective bargaining on behalf of the original unit;

  (b)   the method of collective bargaining relating to the original unit shall have effect in relation to the new unit, with any modifications which the CAC considers necessary to take account of the change of bargaining unit and specifies in the declaration.

Textual Amendments

  F1   Sch. A1 para 87(4)(b) substituted (6.4.2005) by Employment Relations Act 2004 (c. 24), **ss. 6(2)**, 59(2)-(4); S.I. 2005/872, **art. 4**, Sch. (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):
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> – s. 212A(1)(zb) inserted by 2023 c. 46 Sch. para. 1