

Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Cross Heading: Union recognition is up to date with all changes known to be in force on or before 08 June 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 **E+W+S**

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)**

C2 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 **E+W+S**

RECOGNITION

Union recognition

- 20 (1) This paragraph applies if—
- the CAC accepts an application under paragraph 11(2) or 12(2),
 - the parties have agreed an appropriate bargaining unit at the end of the appropriate period [^{F2}(defined by paragraph 18)], or the CAC has decided an appropriate bargaining unit, and
 - that bargaining unit differs from the proposed bargaining unit.
- (2) Within the decision period the CAC must decide whether the application is invalid within the terms of paragraphs 43 to 50.
- (3) In deciding whether the application is invalid, the CAC must consider any evidence which it has been given by the employer or the union (or unions).
- (4) If the CAC decides that the application is invalid—
- the CAC must give notice of its decision to the parties,
 - the CAC must not proceed with the application, and
 - no further steps are to be taken under this Part of this Schedule.
- (5) If the CAC decides that the application is not invalid it must—
- proceed with the application, and
 - give notice to the parties that it is so proceeding.
- (6) The decision period is—

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- (a) the period of 10 working days starting with the day after that on which the parties agree an appropriate bargaining unit or the CAC decides an appropriate bargaining unit, or
 - (b) such longer period (so starting) as the CAC may specify to the parties by notice containing reasons for the extension.
- 21 (1) This paragraph applies if—
- (a) the CAC accepts an application under paragraph 11(2) or 12(2),
 - (b) the parties have agreed an appropriate bargaining unit at the end of the appropriate period [^{F3}(defined by paragraph 18)], or the CAC has decided an appropriate bargaining unit, and
 - (c) that bargaining unit is the same as the proposed bargaining unit.
- (2) This paragraph also applies if the CAC accepts an application under paragraph 12(4).
- (3) The CAC must proceed with the application.

Textual Amendments

F3 Words in Sch. A1 para. 21(1)(b) inserted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\), ss. 57\(1\), 59\(2\)-\(4\), Sch. 1 para. 23\(5\); S.I. 2005/872, art. 4, Sch.](#) (with arts. 6-21)

- 22 (1) This paragraph applies if—
- (a) the CAC proceeds with an application in accordance with paragraph 20 or 21 [^{F4}(and makes no declaration under paragraph 19F(5))], and
 - (b) the CAC is satisfied that a majority of the workers constituting the bargaining 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 bargaining 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 bargaining 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;
 - [^{F5}(b) the CAC has evidence, which it considers to be credible, from a significant number of the union members within the 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 the bargaining 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;

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- (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.

Textual Amendments

- F4** Words in Sch. A1 para. 22(1)(a) inserted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\)](#) {ss. 5(2)}, 59(2)-(4); [S.I. 2005/872, art. 4, Sch.](#) (with arts. 6-21)
- F5** Sch. A1 para. 22(4)(b) substituted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\)](#), [ss. 6\(1\)](#), 59(2)-(4); [S.I. 2005/872, art. 4, Sch.](#) (with arts. 6-21)

- 23 (1) This paragraph applies if—
- (a) the CAC proceeds with an application in accordance with paragraph 20 or 21 [^{F6}(and makes no declaration under paragraph 19F(5))], and
- (b) the CAC is not satisfied that a majority of the workers constituting the bargaining unit are members of the union (or unions).
- (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 bargaining unit are asked whether they want the union (or unions) to conduct collective bargaining on their behalf.

Textual Amendments

- F6** Words in Sch. A1 para. 23(1)(a) inserted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\)](#), [ss. 5\(2\)](#), 59(2)-(4); [S.I. 2005/872, art. 4, Sch.](#) (with arts. 6-21)

- 24 (1) This paragraph applies if the CAC gives notice under paragraph 22(3) or 23(2).
- (2) Within the notification period—
- (a) the union (or unions), or
- (b) the union (or unions) and the employer,
- may notify the CAC that the party making the notification does not (or the parties making the notification do not) want the CAC to arrange for the holding of the ballot.
- (3) If the CAC is so notified—
- (a) it must not arrange for the holding of the ballot,
- (b) it must inform the parties that it will not arrange for the holding of the ballot, and why, and
- (c) no further steps are to be taken under this Part of this Schedule.
- (4) If the CAC is not so notified it must arrange for the holding of the ballot.
- [^{F7}(5) The notification period is, in relation to notification by the union (or unions)—
- (a) the period of 10 working days starting with the day on which the union (or last of the unions) receives the CAC's notice under paragraph 22(3) or 23(2), or
- (b) such longer period so starting as the CAC may specify to the parties by notice.
- (6) The notification period is, in relation to notification by the union (or unions) and the employer—

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- (a) the period of 10 working days starting with the day on which the last of the parties receives the CAC's notice under paragraph 22(3) or 23(2), or
- (b) such longer period so starting as the CAC may specify to the parties by notice.

(7) The CAC may give a notice under sub-paragraph (5)(b) or (6)(b) only if the parties have applied jointly to it for the giving of such a notice.]

Textual Amendments

F7 Sch. A1 para. 24(5)-(7) substituted (6.4.2005) for Sch. A1 para. 24(5) by [Employment Relations Act 2004 \(c. 24\)](#), [ss. 7, 59\(2\)-\(4\)](#); [S.I. 2005/872](#), [art. 4](#), Sch (with [arts. 6-21](#))

- 25 (1) This paragraph applies if the CAC arranges under paragraph 24 for the holding of a ballot.
- (2) The ballot must be conducted by a qualified independent person appointed by the CAC.
- (3) The ballot must be conducted within—
- (a) the period of 20 working days starting with the day after that on which the qualified independent person is appointed, or
 - (b) such longer period (so starting) as the CAC may decide.
- (4) The ballot must be conducted—
- (a) at a workplace or workplaces decided by the CAC,
 - (b) by post, or
 - (c) by a combination of the methods described in sub-paragraphs (a) and (b), depending on the CAC's preference.
- (5) In deciding how the ballot is to be conducted the CAC must take into account—
- (a) the likelihood of the ballot being affected by unfairness or malpractice if it were conducted at a workplace or workplaces;
 - (b) costs and practicality;
 - (c) such other matters as the CAC considers appropriate.
- (6) The CAC may not decide that the ballot is to be conducted as mentioned in sub-paragraph (4)(c) unless there are special factors making such a decision appropriate; and special factors include—
- (a) factors arising from the location of workers or the nature of their employment;
 - (b) factors put to the CAC by the employer or the union (or unions).
- [^{F8}(6A) If the CAC decides that the ballot must (in whole or in part) be conducted at a workplace (or workplaces), it may require arrangements to be made for workers—
- (a) who (but for the arrangements) would be prevented by the CAC's decision from voting by post, and
 - (b) who are unable, for reasons relating to those workers as individuals, to cast their votes in the ballot at the workplace (or at any of them),
- to be given the opportunity (if they request it far enough in advance of the ballot for this to be practicable) to vote by post; and the CAC's imposing such a requirement

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is not to be treated for the purposes of sub-paragraph (6) as a decision that the ballot be conducted as mentioned in sub-paragraph (4)(c).]

- (7) A person is a qualified independent person if—
- (a) he satisfies such conditions as may be specified for the purposes of this paragraph by order of the Secretary of State or is himself so specified, and
 - (b) there are no grounds for believing either that he will carry out any functions conferred on him in relation to the ballot otherwise than competently or that his independence in relation to the ballot might reasonably be called into question.
- (8) An order under sub-paragraph (7)(a) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) As soon as is reasonably practicable after the CAC is required under paragraph 24 to arrange for the holding of a ballot it must inform the parties—
- (a) that it is so required;
 - (b) of the name of the person appointed to conduct the ballot and the date of his appointment;
 - (c) of the period within which the ballot must be conducted;
 - (d) whether the ballot is to be conducted by post or at a workplace or workplaces;
 - (e) of the workplace or workplaces concerned (if the ballot is to be conducted at a workplace or workplaces).

Textual Amendments

F8 Sch. A1 para. 25(6A) inserted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\), ss. 8\(1\), 59\(2\)-\(4\); S.I. 2005/872, art. 4, Sch.](#) (with arts. 6-21)

- 26 (1) An employer who is informed by the CAC under paragraph 25(9) must comply with the following [^{F9}five] duties.
- (2) The first duty is to co-operate generally, in connection with the ballot, with the union (or unions) and the person appointed to conduct the ballot; and the second and third duties are not to prejudice the generality of this.
 - (3) The second duty is to give to the union (or unions) such access to the workers constituting the bargaining unit as is reasonable to enable the union (or unions) to inform the workers of the object of the ballot and to seek their support and their opinions on the issues involved.
 - (4) The third duty is to do the following (so far as it is reasonable to expect the employer to do so)—
 - (a) to give to the CAC, within the period of 10 working days starting with the day after that on which the employer is informed under paragraph 25(9), the names and home addresses of the workers constituting the bargaining unit;
 - (b) to give to the CAC, as soon as is reasonably practicable, the name and home address of any worker who joins the unit after the employer has complied with paragraph (a);
 - (c) to inform the CAC, as soon as is reasonably practicable, of any worker whose name has been given to the CAC under paragraph [^{F10}19D or paragraph (a) or (b) of this sub-paragraph and] who ceases to be within the unit.

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- [^{F11}(4A) The fourth duty is to refrain from making any offer to any or all of the workers constituting the bargaining unit which—
- (a) has or is likely to have the effect of inducing any or all of them not to attend any relevant meeting between the union (or unions) and the workers constituting the bargaining unit, and
 - (b) is not reasonable in the circumstances.
- (4B) The fifth duty is to refrain from taking or threatening to take any action against a worker solely or mainly on the grounds that he—
- (a) attended or took part in any relevant meeting between the union (or unions) and the workers constituting the bargaining unit, or
 - (b) indicated his intention to attend or take part in such a meeting.
- (4C) A meeting is a relevant meeting in relation to a worker for the purposes of sub-paragraphs (4A) and (4B) if—
- (a) it is organised in accordance with any agreement reached concerning the second duty or as a result of a step ordered to be taken under paragraph 27 to remedy a failure to comply with that duty, and
 - (b) it is one which the employer is, by such an agreement or order as is mentioned in paragraph (a), required to permit the worker to attend.
- (4D) Without prejudice to the generality of the second duty imposed by this paragraph, an employer is to be taken to have failed to comply with that duty if—
- (a) he refuses a request for a meeting between the union (or unions) and any or all of the workers constituting the bargaining unit to be held in the absence of the employer or any representative of his (other than one who has been invited to attend the meeting) and it is not reasonable in the circumstances for him to do so,
 - (b) he or a representative of his attends such a meeting without having been invited to do so,
 - (c) he seeks to record or otherwise be informed of the proceedings at any such meeting and it is not reasonable in the circumstances for him to do so, or
 - (d) he refuses to give an undertaking that he will not seek to record or otherwise be informed of the proceedings at any such meeting unless it is reasonable in the circumstances for him to do either of those things.
- (4E) The fourth and fifth duties do not confer any rights on a worker; but that does not affect any other right which a worker may have.]
- [^{F12}(4F) Sub-paragraph (4)(a) does not apply to names and addresses that the employer has already given to the CAC under paragraph 19D.
- (4G) Where (because of sub-paragraph (4F)) the employer does not have to comply with sub-paragraph (4)(a), the reference in sub-paragraph (4)(b) to the time when the employer complied with sub-paragraph (4)(a) is to be read as a reference to the time when the employer is informed under paragraph 25(9).
- (4H) If—
- (a) a person was appointed on an application under paragraph 19C, and
 - (b) the person appointed to conduct the ballot is not that person,
- the CAC must, as soon as is reasonably practicable, pass on to the person appointed to conduct the ballot the names and addresses given to it under paragraph 19D.]

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- (5) As soon as is reasonably practicable after the CAC receives any information under sub-paragraph (4) it must pass it on to the person appointed to conduct the ballot.
- (6) If asked to do so by the union (or unions) the person appointed to conduct the ballot must send to any worker—
- (a) whose name and home address have been [^{F13}passed on to him under paragraph 19D or this paragraph], and
 - (b) who is still within the unit (so far as the person so appointed is aware), any information supplied by the union (or unions) to the person so appointed.
- (7) The duty under sub-paragraph (6) does not apply unless the union bears (or unions bear) the cost of sending the information.
- [^{F14}(8) Each of the powers specified in sub-paragraph (9) shall be taken to include power to issue Codes of Practice—
- (a) about reasonable access for the purposes of sub-paragraph (3), and
 - (b) about the fourth duty imposed by this paragraph.
- (9) The powers are—
- (a) the power of ACAS under section 199(1);
 - (b) the power of the Secretary of State under section 203(1)(a).]

Textual Amendments

- F9** Word in Sch. A1 para. 26(1) substituted (1.10.2005) by [Employment Relations Act 2004 \(c. 24\), ss. 9\(2\), 59\(2\)-\(4\); S.I. 2005/2419, art. 3\(a\)](#) (with arts. 5-7)
- F10** Words in Sch A1 para. 26(4)(c) substituted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\), ss. 5\(3\), 59\(2\)-\(4\); S.I. 2005/872, art. 4, Sch](#) (with arts 6-21)
- F11** Sch. A1 para 26(4A)-(4E) inserted (1.10.2005) by [Employment Relations Act 2004 \(c. 25\), ss. 9\(3\), 59\(2\)-\(4\); S.I. 2005/2419, art. 3\(a\)](#) (with arts. 5-7)
- F12** Sch. A1 para. 26(4F)-(4H) inserted (6.4.2005) by virtue of [Employment Relations Act 2004 \(c. 24\), ss. 5\(4\), 59\(2\)-\(4\); S.I. 2005/872, art. 4, Sch](#) (with arts. 6-21)
- F13** Words in Sch. A1 para. 26(6) substituted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\), ss. 5\(5\), 59\(2\)-\(4\); S.I. 2005/872, art. 4, Sch.](#) (with arts 6-21)
- F14** Sch. A1 para. 26(8)-(9) substituted for Sch. A1 para. 26(8) (1.10.2005) by [Employment Relations Act 2004 \(c. 24\), ss. 9\(4\), 59\(2\)-\(4\); S.I. 2005/2419, art. 3\(a\)](#) (with arts. 5-7)

- 27 (1) If the CAC is satisfied that the employer has failed to fulfil any of the [^{F15}duties imposed on him] by paragraph 26, and the ballot has not been held, the CAC may order the employer—
- (a) to take such steps to remedy the failure as the CAC considers reasonable and specifies in the order, and
 - (b) to do so within such period as the CAC considers reasonable and specifies in the order.
- (2) If the CAC is satisfied that the employer has failed to comply with an order under sub-paragraph (1), and the ballot has not been held, the CAC may issue a declaration that the union is (or unions are) recognised as entitled to conduct collective bargaining on behalf of the bargaining unit.
- (3) If the CAC issues a declaration under sub-paragraph (2) it shall take steps to cancel the holding of the ballot; and if the ballot is held it shall have no effect.

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Textual Amendments

F15 Words in Sch. A1 para. 27(1) substituted (1.10.2005) by [Employment Relations Act 2004 \(c. 24\)](#), **ss. 9(5), 59(2)-(4)**; S.I. 2005/2419, **art. 3(a)** (with arts. 5-7)

^{F16}~~27A~~(1) Each of the parties informed by the CAC under paragraph 25(9) must refrain from using any unfair practice.

- (2) A party uses an unfair practice if, with a view to influencing the result of the ballot, the party—
- (a) offers to pay money or give money’s worth to a worker entitled to vote in the ballot in return for the worker’s agreement to vote in a particular way or to abstain from voting,
 - (b) makes an outcome-specific offer to a worker entitled to vote in the ballot,
 - (c) coerces or attempts to coerce a worker entitled to vote in the ballot to disclose—
 - (i) whether he intends to vote or to abstain from voting in the ballot, or
 - (ii) how he intends to vote, or how he has voted, in the ballot,
 - (d) dismisses or threatens to dismiss a worker,
 - (e) takes or threatens to take disciplinary action against a worker,
 - (f) subjects or threatens to subject a worker to any other detriment, or
 - (g) uses or attempts to use undue influence on a worker entitled to vote in the ballot.
- (3) For the purposes of sub-paragraph (2)(b) an “outcome-specific offer” is an offer to pay money or give money’s worth which—
- (a) is conditional on the issuing by the CAC of a declaration that—
 - (i) the union is (or unions are) recognised as entitled to conduct collective bargaining on behalf of the bargaining unit, or
 - (ii) the union is (or unions are) not entitled to be so recognised, and
 - (b) is not conditional on anything which is done or occurs as a result of the declaration in question.
- (4) The duty imposed by this paragraph does not confer any rights on a worker; but that does not affect any other right which a worker may have.
- (5) Each of the following powers shall be taken to include power to issue Codes of Practice about unfair practices for the purposes of this paragraph—
- (a) the power of ACAS under section 199(1);
 - (b) the power of the Secretary of State under section 203(1)(a).

Textual Amendments

F16 Sch. A1 para. 27A-27F inserted (1.10.2005) by [Employment Relations Act 2004 \(c. 24\)](#), **ss. 10(1), 59(2)-(4)**; S.I. 2005/2419, **art. 3(a)** (with arts. 5-7)

27B (1) A party may complain to the CAC that another party has failed to comply with paragraph 27A.

- (2) A complaint under sub-paragraph (1) must be made on or before the first working day after—

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- (a) the date of the ballot, or
 - (b) if votes may be cast in the ballot on more than one day, the last of those days.
- (3) Within the decision period the CAC must decide whether the complaint is well-founded.
- (4) A complaint is well-founded if—
- (a) the CAC finds that the party complained against used an unfair practice, and
 - (b) the CAC is satisfied that the use of that practice changed or was likely to change, in the case of a worker entitled to vote in the ballot—
 - (i) his intention to vote or to abstain from voting,
 - (ii) his intention to vote in a particular way, or
 - (iii) how he voted.
- (5) The decision period is—
- (a) the period of 10 working days starting with the day after that on which the complaint under sub-paragraph (1) was received by the CAC, or
 - (b) such longer period (so starting) as the CAC may specify to the parties by a notice containing reasons for the extension.
- (6) If, at the beginning of the decision period, the ballot has not begun, the CAC may by notice to the parties and the qualified independent person postpone the date on which it is to begin until a date which falls after the end of the decision period.

Textual Amendments

F16 Sch. A1 para. 27A-27F inserted (1.10.2005) by [Employment Relations Act 2004 \(c. 24\)](#), **ss. 10(1)**, 59(2)-(4); [S.I. 2005/2419](#), **art. 3(a)** (with [arts. 5-7](#))

- 27C (1) This paragraph applies if the CAC decides that a complaint under paragraph 27B is well-founded.
- (2) The CAC must, as soon as is reasonably practicable, issue a declaration to that effect.
- (3) The CAC may do either or both of the following—
- (a) order the party concerned to take any action specified in the order within such period as may be so specified, or
 - (b) give notice to the employer and to the union (or unions) that it intends to arrange for the holding of a secret ballot in which the workers constituting the bargaining unit are asked whether they want the union (or unions) to conduct collective bargaining on their behalf.
- (4) The CAC may give an order or a notice under sub-paragraph (3) either at the same time as it issues the declaration under sub-paragraph (2) or at any other time before it acts under paragraph 29.
- (5) The action specified in an order under sub-paragraph (3)(a) shall be such as the CAC considers reasonable in order to mitigate the effect of the failure of the party concerned to comply with the duty imposed by paragraph 27A.
- (6) The CAC may give more than one order under sub-paragraph (3)(a).

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Textual Amendments

F16 Sch. A1 para. 27A-27F inserted (1.10.2005) by [Employment Relations Act 2004 \(c. 24\)](#), **ss. 10(1)**, 59(2)-(4); S.I. 2005/2419, **art. 3(a)** (with **arts. 5-7**)

- 27D (1) This paragraph applies if the CAC issues a declaration under paragraph 27C(2) and the declaration states that the unfair practice used consisted of or included—
- (a) the use of violence, or
 - (b) the dismissal of a union official.
- (2) This paragraph also applies if the CAC has made an order under paragraph 27C(3)
- (a) and—
 - (a) it is satisfied that the party subject to the order has failed to comply with it, or
 - (b) it makes another declaration under paragraph 27C(2) in relation to a complaint against that party.
- (3) If the party concerned is the employer, the CAC may issue a declaration that the union is (or unions are) recognised as entitled to conduct collective bargaining on behalf of the bargaining unit.
- (4) If the party concerned is a union, the CAC may issue a declaration that the union is (or unions are) not entitled to be so recognised.
- (5) The powers conferred by this paragraph are in addition to those conferred by paragraph 27C(3).

Textual Amendments

F16 Sch. A1 para. 27A-27F inserted (1.10.2005) by [Employment Relations Act 2004 \(c. 24\)](#), **ss. 10(1)**, 59(2)-(4); S.I. 2005/2419, **art. 3(a)** (with **arts. 5-7**)

- 27E (1) This paragraph applies if the CAC issues a declaration that a complaint under paragraph 27B is well-founded and—
- (a) gives a notice under paragraph 27C(3)(b), or
 - (b) issues a declaration under paragraph 27D.
- (2) If the ballot in connection with which the complaint was made has not been held, the CAC shall take steps to cancel it.
- (3) If that ballot is held, it shall have no effect.

Textual Amendments

F16 Sch. A1 para. 27A-27F inserted (1.10.2005) by [Employment Relations Act 2004 \(c. 24\)](#), **ss. 10(1)**, 59(2)-(4); S.I. 2005/2419, **art. 3(a)** (with **arts. 5-7**)

- 27F (1) This paragraph applies if the CAC gives a notice under paragraph 27C(3)(b).
- (2) Paragraphs 24 to 29 apply in relation to that notice as they apply in relation to a notice given under paragraph 22(3) or 23(2) but with the modifications specified in sub-paragraphs (3) to (6).

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- (3) In each of sub-paragraphs (5)(a) and (6)(a) of paragraph 24 for “10 working days” substitute 5 working days.
- (4) An employer’s duty under paragraph (a) of paragraph 26(4) is limited to—
- (a) giving the CAC the names and home addresses of any workers in the bargaining unit which have not previously been given to it in accordance with that duty;
 - (b) giving the CAC the names and home addresses of those workers who have joined the bargaining unit since he last gave the CAC information in accordance with that duty;
 - (c) informing the CAC of any change to the name or home address of a worker whose name and home address have previously been given to the CAC in accordance with that duty; and
 - (d) informing the CAC of any worker whose name had previously been given to it in accordance with that duty who has ceased to be within the bargaining unit.
- (5) Any order given under paragraph 27(1) or 27C(3)(a) for the purposes of the cancelled or ineffectual ballot shall have effect (to the extent that the CAC specifies in a notice to the parties) as if it were made for the purposes of the ballot to which the notice under paragraph 27C(3)(b) relates.
- (6) The gross costs of the ballot shall be borne by such of the parties and in such proportions as the CAC may determine and, accordingly, sub-paragraphs (2) and (3) of paragraph 28 shall be omitted and the reference in sub-paragraph (4) of that paragraph to the employer and the union (or each of the unions) shall be construed as a reference to the party or parties which bear the costs in accordance with the CAC’s determination.]

Textual Amendments

F16 Sch. A1 para. 27A-27F inserted (1.10.2005) by [Employment Relations Act 2004 \(c. 24\)](#), ss. **10(1)**, 59(2)-(4); S.I. 2005/2419, **art. 3(a)** (with arts. 5-7)

- 28 (1) This paragraph applies if the holding of a ballot has been arranged under paragraph 24 whether or not it has been cancelled.
- (2) The gross costs of the ballot shall be borne—
- (a) as to half, by the employer, and
 - (b) as to half, by the union (or unions).
- (3) If there is more than one union they shall bear their half of the gross costs—
- (a) in such proportions as they jointly indicate to the person appointed to conduct the ballot, or
 - (b) in the absence of such an indication, in equal shares.
- (4) The person appointed to conduct the ballot may send to the employer and the union (or each of the unions) a demand stating—
- (a) the gross costs of the ballot, and
 - (b) the amount of the gross costs to be borne by the recipient.

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- (5) In such a case the recipient must pay the amount stated to the person sending the demand, and must do so within the period of 15 working days starting with the day after that on which the demand is received.
- (6) In England and Wales, if the amount stated is not paid in accordance with sub-paragraph (5) it shall, if ^{F17} the county court] so orders, be recoverable ^{F18} under section 85 of the County Courts Act 1984] or otherwise as if it were payable under an order of that court.
- ^{F19}(6A) ^{F20} Where a warrant of control is issued under section 85 of the 1984 Act to recover an amount in accordance with sub-paragraph (6), the power conferred by the warrant is exercisable] , to the same extent and in the same manner as if the union were a body corporate, against any property held in trust for the union other than protected property as defined in section 23(2).]
- (7) References to the costs of the ballot are to—
- (a) the costs wholly, exclusively and necessarily incurred in connection with the ballot by the person appointed to conduct it,
 - (b) such reasonable amount as the person appointed to conduct the ballot charges for his services, and
 - (c) such other costs as the employer and the union (or unions) agree.

Textual Amendments

- F17** Words in Sch. A1 para. 28(6) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 52](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F18** Words in Sch. A1 para. 28(6) substituted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\), s. 148, Sch. 13 para. 110\(2\)](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F19** Sch. A1 para. 28(6A) inserted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\), ss. 57\(1\), 59\(2\)-\(4\), Sch. 1 para. 23\(6\)](#); S.I. 2005/872, art. 4, Sch. (with arts. 6-21)
- F20** Words in Sch. A1 para. 28(6A) substituted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\), s. 148, Sch. 13 para. 110\(3\)](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)

- 29 (1) As soon as is reasonably practicable after the CAC is informed of the result of a ballot by the person conducting it, the CAC must act under this paragraph.
- ^{F21}(1A) The duty in sub-paragraph (1) does not apply if the CAC gives a notice under paragraph 27C(3)(b).]
- (2) The CAC must inform the employer and the union (or unions) of the result of the ballot.
- (3) If the result is that the union is (or unions are) supported by—
- (a) a majority of the workers voting, and
 - (b) at least 40 per cent of the workers constituting the bargaining unit,
- the CAC must issue a declaration that the union is (or unions are) recognised as entitled to conduct collective bargaining on behalf of the bargaining unit.
- (4) If the result is otherwise the CAC must issue a declaration that the union is (or unions are) not entitled to be so recognised.

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- (5) The Secretary of State may by order amend sub-paragraph (3) so as to specify a different degree of support; and different provision may be made for different circumstances.
- (6) An order under sub-paragraph (5) shall be made by statutory instrument.
- (7) No such order shall be made unless a draft of it has been laid before Parliament and approved by a resolution of each House of Parliament.

Textual Amendments

F21 Sch. A1 para. 29(1A) inserted (1.10.2005) by [Employment Relations Act 2004 \(c. 24\), ss. 10\(2\), 59\(2\)-\(4\); S.I. 2005/2419, art. 3\(a\)](#) (with arts. 5-7)

- 30 (1) This paragraph applies if the CAC issues a declaration under this Part of this Schedule that the union is (or unions are) recognised as entitled to conduct collective bargaining on behalf of a bargaining unit.
- (2) The parties may in the negotiation period conduct negotiations with a view to agreeing a method by which they will conduct collective bargaining.
- (3) If no agreement is made in the negotiation period the employer or the union (or unions) may apply to the CAC for assistance.
- (4) The negotiation period is—
 - (a) the period of 30 working days starting with the start day, or
 - (b) such longer period (so starting) as the parties may from time to time agree.
- (5) The start day is the day after that on which the parties are notified of the declaration.
- 31 (1) This paragraph applies if an application for assistance is made to the CAC under paragraph 30.
- (2) The CAC must try to help the parties to reach in the agreement period an agreement on a method by which they will conduct collective bargaining.
- (3) If at the end of the agreement period the parties have not made such an agreement the CAC must specify to the parties the method by which they are to conduct collective bargaining.
- (4) Any method specified under sub-paragraph (3) is to have effect as if it were contained in a legally enforceable contract made by the parties.
- (5) But if the parties agree in writing—
 - (a) that sub-paragraph (4) shall not apply, or shall not apply to particular parts of the method specified by the CAC, or
 - (b) to vary or replace the method specified by the CAC,the written agreement shall have effect as a legally enforceable contract made by the parties.
- (6) Specific performance shall be the only remedy available for breach of anything which is a legally enforceable contract by virtue of this paragraph.

Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Cross Heading:
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- (7) If at any time before a specification is made under sub-paragraph (3) the parties jointly apply to the CAC requesting it to stop taking steps under this paragraph, the CAC must comply with the request.
- (8) The agreement period is—
- (a) the period of 20 working days starting with the day after that on which the CAC receives the application under paragraph 30, or
 - (b) such longer period (so starting) as the CAC may decide with the consent of the parties.

Changes to legislation:

Trade Union and Labour Relations (Consolidation) Act 1992, Cross Heading: Union recognition is up to date with all changes known to be in force on or before 08 June 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.

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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](#)