

Status: Point in time view as at 06/06/2000.

Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Cross Heading: Application to CAC to specify method is up to date with all changes known to be in force on or before 03 July 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)

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 II

VOLUNTARY RECOGNITION

Application to CAC to specify method

- 58 (1) This paragraph applies if the parties make an agreement for recognition.
- (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 agreement is made.
- 59 (1) This paragraph applies if—
- (a) the parties to an agreement for recognition agree a method by which they will conduct collective bargaining, and
- (b) one or more of the parties fails to carry out the agreement as to a method.
- (2) The employer or the union (or unions) may apply to the CAC for assistance.
- 60 (1) This paragraph applies if an application for assistance is made to the CAC under paragraph 58 or 59.
- (2) The application is not admissible unless the conditions in sub-paragraphs (3) and (4) are satisfied.

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- (3) The condition is that the employer, taken with any associated employer or employers, must—
 - (a) employ at least 21 workers on the day the application is made, or
 - (b) employ an average of at least 21 workers in the 13 weeks ending with that day.
 - (4) The condition is that the union (or every union) has a certificate under section 6 that it is independent.
 - (5) To find the average under sub-paragraph (3)(b)—
 - (a) take the number of workers employed in each of the 13 weeks (including workers not employed for the whole of the week);
 - (b) aggregate the 13 numbers;
 - (c) divide the aggregate by 13.
 - (6) For the purposes of sub-paragraph (3)(a) any worker employed by an associated company incorporated outside Great Britain must be ignored unless the day the application was made fell within a period during which he ordinarily worked in Great Britain.
 - (7) For the purposes of sub-paragraph (3)(b) any worker employed by an associated company incorporated outside Great Britain must be ignored in relation to a week unless the whole or any part of that week fell within a period during which he ordinarily worked in Great Britain.
 - (8) For the purposes of sub-paragraphs (6) and (7) a worker who is employed on board a ship registered in the register maintained under section 8 of the Merchant Shipping Act 1995 shall be treated as ordinarily working in Great Britain unless—
 - (a) the ship's entry in the register specifies a port outside Great Britain as the port to which the vessel is to be treated as belonging,
 - (b) the employment is wholly outside Great Britain, or
 - (c) the worker is not ordinarily resident in Great Britain.
 - (9) An order made under paragraph 7(6) may also—
 - (a) provide that sub-paragraphs (2), (3) and (5) to (8) of this paragraph are not to apply, or are not to apply in specified circumstances, or
 - (b) vary the number of workers for the time being specified in sub-paragraph (3).
- 61 (1) An application to the CAC is not admissible unless—
- (a) it is made in such form as the CAC specifies, and
 - (b) it is supported by such documents as the CAC specifies.
- (2) An application which is made by a union (or unions) to the CAC is not admissible unless the union gives (or unions give) to the employer—
- (a) notice of the application, and
 - (b) a copy of the application and any documents supporting it.
- (3) An application which is made by an employer to the CAC is not admissible unless the employer gives to the union (or each of the unions)—
- (a) notice of the application, and
 - (b) a copy of the application and any documents supporting it.

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