

*Status: Point in time view as at 06/06/2000.*

*Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Part VII is up to date with all changes known to be in force on or before 02 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)*

## SCHEDULES

### <sup>F1</sup>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 VII

#### LOSS OF INDEPENDENCE

##### *Introduction*

- 149 (1) This Part of this Schedule applies if the CAC has issued a declaration that a union is (or unions are) recognised as entitled to conduct collective bargaining on behalf of a bargaining unit.
- (2) In such a case references in this Part of this Schedule to the bargaining arrangements are to the declaration and to the provisions relating to the collective bargaining method.
- (3) For this purpose the provisions relating to the collective bargaining method are—
- the parties' agreement as to the method by which collective bargaining is to be conducted,
  - anything effective as, or as if contained in, a legally enforceable contract and relating to the method by which collective bargaining is to be conducted, or
  - any provision of Part III of this Schedule that a method of collective bargaining is to have effect.
- 150 (1) This Part of this Schedule also applies if—
- the parties have agreed that a union is (or unions are) recognised as entitled to conduct collective bargaining on behalf of a bargaining unit,
  - the CAC has specified to the parties under paragraph 63(2) the method by which they are to conduct collective bargaining, and
  - the parties have not agreed in writing to replace the method or that paragraph 63(3) shall not apply.

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(2) In such a case references in this Part of this Schedule to the bargaining arrangements are to—

- (a) the parties' agreement mentioned in sub-paragraph (1)(a), and
- (b) anything effective as, or as if contained in, a legally enforceable contract by virtue of paragraph 63.

151 References in this Part of this Schedule to the parties are to the employer and the union (or unions) concerned.

*Loss of certificate*

152 (1) This paragraph applies if—

- (a) only one union is a party, and
- (b) under section 7 the Certification Officer withdraws the union's certificate of independence.

(2) This paragraph also applies if—

- (a) more than one union is a party, and
- (b) under section 7 the Certification Officer withdraws the certificate of independence of each union (whether different certificates are withdrawn on the same or on different days).

(3) Sub-paragraph (4) shall apply on the day after—

- (a) the day on which the Certification Officer informs the union (or unions) of the withdrawal (or withdrawals), or
- (b) if there is more than one union, and he informs them on different days, the last of those days.

(4) The bargaining arrangements shall cease to have effect; and the parties shall be taken to agree that the union is (or unions are) recognised as entitled to conduct collective bargaining on behalf of the bargaining unit concerned.

*Certificate re-issued*

153 (1) This paragraph applies if—

- (a) only one union is a party,
- (b) paragraph 152 applies, and
- (c) as a result of an appeal under section 9 against the decision to withdraw the certificate, the Certification Officer issues a certificate that the union is independent.

(2) This paragraph also applies if—

- (a) more than one union is a party,
- (b) paragraph 152 applies, and
- (c) as a result of an appeal under section 9 against a decision to withdraw a certificate, the Certification Officer issues a certificate that any of the unions concerned is independent.

(3) Sub-paragraph (4) shall apply, beginning with the day after—

- (a) the day on which the Certification Officer issues the certificate, or
- (b) if there is more than one union, the day on which he issues the first or only certificate.

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- (4) The bargaining arrangements shall have effect again; and paragraph 152 shall cease to apply.

*Miscellaneous*

154 Parts III to VI of this Schedule shall not apply in the case of the parties at any time when, by virtue of this Part of this Schedule, the bargaining arrangements do not have effect.

155 If—

- (a) by virtue of paragraph 153 the bargaining arrangements have effect again beginning with a particular day, and
- (b) in consequence section 70B applies in relation to the bargaining unit concerned,

for the purposes of section 70B(3) that day shall be taken to be the day on which section 70B first applies in relation to the unit.

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