



Employment Relations Act 2004

2004 CHAPTER 24

PART 1

UNION RECOGNITION

20 “Pay” and other matters subject to collective bargaining

After paragraph 171 of Schedule A1 to the 1992 Act insert—

““Pay” and other matters subject to collective bargaining

171A (1) In this Schedule “pay” does not include terms relating to a person’s membership of or rights under, or his employer’s contributions to—

- (a) an occupational pension scheme (as defined by section 1 of the Pension Schemes Act 1993), or
- (b) a personal pension scheme (as so defined).

(2) The Secretary of State may by order amend sub-paragraph (1).

(3) The Secretary of State may by order—

- (a) amend paragraph 3(3), 54(4) or 94(6)(b) by adding specified matters relating to pensions to the matters there specified to which negotiations may relate;
- (b) amend paragraph 35(2)(b) or 44(2)(b) by adding specified matters relating to pensions to the core topics there specified.

(4) An order under this paragraph may—

- (a) include supplementary, incidental, saving or transitional provisions including provision amending this Schedule, and
- (b) make different provision for different cases.

(5) An order under this paragraph may make provision deeming—

- (a) the matters to which any pre-commencement declaration of recognition relates, and

Status: This is the original version (as it was originally enacted).

- (b) the matters to which any pre-commencement method of collective bargaining relates,
to include matters to which a post-commencement declaration of recognition or method of collective bargaining could relate.
- (6) In sub-paragraph (5)—
“pre-commencement declaration of recognition” means a declaration of recognition issued by the CAC before the coming into force of the order,
“pre-commencement method of collective bargaining” means a method of collective bargaining specified by the CAC before the coming into force of the order,
and references to a post-commencement declaration of recognition or method of collective bargaining shall be construed accordingly.
- (7) An order under this paragraph shall be made by statutory instrument; and 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.”