
Changes to legislation: There are currently no known outstanding effects for the Employment Relations Act 2004, Paragraph 23. (See end of Document for details)

SCHEDULES

SCHEDULE 1

MINOR AND CONSEQUENTIAL AMENDMENTS

The 1992 Act

- 23 (1) Schedule A1 to the 1992 Act (union recognition) is amended as follows.
- (2) In paragraph 2 (interpretation of Part 1), after sub-paragraph (3) insert—
- “(3A) References to an appropriate bargaining unit’s being decided by the CAC are to a bargaining unit’s being decided by the CAC to be appropriate under paragraph 19(2) or (3) or 19A(2) or (3).”
- (3) In paragraph 16(1) (point after which application may not be withdrawn), in paragraph (a), after “paragraph” insert “ 19F(5) or ”.
- (4) In paragraph 17(3) (final event before which notice to cease consideration of application may be given)—
- (a) in paragraph (a), after “paragraph” insert “ 19F(5) or ”; and
- (b) in the words after paragraph (b), for “24(5)” substitute “ 24(6) ”.
- (5) In each of paragraphs 20(1)(b) and 21(1)(b) (application of paragraphs 20 and 21), after “appropriate period” insert “ (defined by paragraph 18) ”.
- (6) In paragraph 28 (costs of a recognition ballot), after sub-paragraph (6) insert—
- “(6A) Where an amount is recoverable from a union under sub-paragraph (6) execution may be carried out, 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) In paragraph 32 (procedure where method of collective bargaining not carried out), in sub-paragraph (2), for “parties” substitute “ employer or the union (or unions) ”.
- (8) In paragraph 37 (applications by more than one union under paragraph 11 or 12), in sub-paragraph (3)(b), for “11(4)” substitute “ 12(4) ”.
- (9) In paragraph 38 (admissibility of other relevant applications), in sub-paragraph (1) (d), for “22(2), 27(2),” substitute “ 19F(5), 22(2), 27(2), 27D(3), 27D(4), ”.
- (10) In paragraph 40 (bar on further application after declaration by the CAC of non-entitlement to recognition), in sub-paragraph (1)—
- (a) after “under paragraph” insert “ 27D(4) or ”; and
- (b) for “held” substitute “ arranged ”.
- (11) In paragraph 41 (bar on further application after declaration by the CAC of end of bargaining arrangements), in sub-paragraph (1)—
- (a) after “under paragraph” insert “ 119D(4), 119H(5) or ”; and

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- (b) for “held” substitute “arranged”.
- (12) In paragraph 46 (invalidity of application where worker falls within another relevant bargaining unit), in sub-paragraph (1)(d), for “22(2), 27(2),” substitute “19F(5), 22(2), 27(2), 27D(3), 27D(4),”.
- (13) In paragraph 48 (invalidity of application after declaration by the CAC of non-entitlement to recognition), in sub-paragraph (1)—
- (a) after “under paragraph” insert “27D(4) or”; and
 - (b) for “held” substitute “arranged”.
- (14) In paragraph 49 (invalidity of application after declaration by the CAC of end of bargaining arrangements), in sub-paragraph (1)—
- (a) after “under paragraph” insert “119D(4), 119H(5) or”; and
 - (b) for “held” substitute “arranged”.
- (15) In paragraph 51 (competing applications), in sub-paragraph (2)(b), after “19” insert “or 19A”.
- (16) In paragraph 52 (agreements for recognition), in sub-paragraph (3)—
- (a) in paragraph (f), after “paragraph”, where it first occurs, insert “19F(5) or”; and
 - (b) in paragraph (h), for “24(5)” substitute “24(6)”.
- (17) In paragraph 83 (duties of the CAC where it decides new unit contains at least one worker falling within a statutory outside bargaining unit), in sub-paragraph (8), for “(1)(a)” substitute “(2)(a)”.
- (18) In paragraph 89(5) (application of paragraphs 26 to 29), for the words from “but as if” onwards substitute “but as if—
- (a) references to the bargaining unit were references to the new unit, and
 - (b) paragraph 26(4F) to (4H), and the references in paragraph 26(4) and (6) to paragraph 19D, were omitted.”
- (19) In paragraph 89(8) (effect of declaration of entitlement to recognition), after “27(2)” insert “or 27D(3)”.
- (20) In paragraph 89, after sub-paragraph (8) add—
- “(9) Paragraphs (a) and (b) of sub-paragraph (7) also apply if the CAC issues a declaration under paragraph 27D(4).”
- (21) In paragraph 93 (withdrawal of applications), in sub-paragraph (1)(c), for “83(1)” substitute “83(2)”.
- (22) In paragraph 119 (remedial orders) omit sub-paragraph (3).
- (23) In paragraph 120 (costs of a derecognition ballot), after sub-paragraph (6) insert—
- “(6A) Where an amount is recoverable from a union under sub-paragraph (6) execution may be carried out, 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).”
- (24) In paragraph 122(1) (first case in which Part 5 applies), in paragraph (a), for “22(2)” substitute “19F(5), 22(2), 27(2) or 27D(3)”.

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- (25) In paragraph 123(1) (second case in which Part 5 applies), in paragraph (a), for “22(2)” substitute “ 19F(5), 22(2), 27(2) or 27D(3) ”.
- (26) In paragraph 133(2) (ballot on de-recognition under Part 5 of that Schedule)—
- (a) in paragraph (a), for “reference in paragraph 119(2)(a)” substitute “ references in paragraphs 119(2)(a) and 119D(3) ”; and
 - (b) in paragraph (b), for “reference in paragraph 121(4)” substitute “ references in paragraphs 119A(3)(a)(ii), 119E(1)(b) and 121(4) ”.
- (27) In paragraph 147(2) (ballot on de-recognition under Part 6 of that Schedule)—
- (a) in paragraph (a), for “reference in paragraph 119(3)(a)” substitute “ references in paragraphs 119H(1) and 119I(1)(a) ”; and
 - (b) in paragraph (b), for “reference in paragraph 121(4)” substitute “ references in paragraphs 119A(3)(a)(ii), 119E(1)(b) and 121(4) ”.

Commencement Information

- I1** Sch. 1 para. 23(1)-(21)(24)-(27) in force at 6.4.2005 by S.I. 2005/872, art. 4, Sch. (with arts. 10, 21)
- I2** Sch. 1 para. 23(22)(23) in force at 1.10.2005 by S.I. 2005/2419, art. 3(b) (with art. 5)

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