

**Changes to legislation:** Trade Union and Labour Relations (Consolidation) Act 1992, Cross Heading: Residual workers is up to date with all changes known to be in force on or before 04 May 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

### <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 III

#### CHANGES AFFECTING BARGAINING UNIT

##### *Residual workers*

- 90 (1) This paragraph applies if—
- the CAC decides an appropriate bargaining unit or units under paragraph 70 or 79, and
  - at least one worker falling within the original unit does not fall within the new unit (or any of the new units).
- (2) In such a case —
- the CAC must issue a declaration that the bargaining arrangements, so far as relating to the worker or workers mentioned in sub-paragraph (1)(b), are to cease to have effect on a date specified by the CAC in the declaration, and
  - the bargaining arrangements shall cease to have effect accordingly.
- 91 (1) This paragraph applies if—
- the CAC has proceeded as stated in paragraphs 83 to 89 with regard to the new unit (if there is one only) or with regard to each new unit (if there are two or more), and
  - in so doing the CAC has issued one or more declarations under paragraph 83.
- (2) The CAC must—
- consider each declaration issued under paragraph 83, and
  - in relation to each declaration, identify each statutory outside bargaining unit which contains at least one worker who also falls within the new unit to which the declaration relates;

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and in this paragraph each statutory outside bargaining unit so identified is referred to as a parent unit.

- (3) The CAC must then—
- (a) consider each parent unit, and
  - (b) in relation to each parent unit, identify any workers who fall within the parent unit but who do not fall within the new unit (or any of the new units);
- and in this paragraph the workers so identified in relation to a parent unit are referred to as a residual unit.
- (4) In relation to each residual unit, the CAC must issue a declaration that the outside union is (or outside unions are) recognised as entitled to conduct collective bargaining on its behalf.
- (5) But no such declaration shall be issued in relation to a residual unit if the CAC has received an application under paragraph 66 or 75 in relation to its parent unit.
- (6) In this paragraph references to the outside union (or to outside unions) in relation to a residual unit are to the union which is (or unions which are) recognised as entitled to conduct collective bargaining on behalf of its parent unit.
- (7) If the CAC issues a declaration under sub-paragraph (4)—
- (a) the declaration shall have effect in place of the existing declaration that the outside union is (or outside unions are) recognised as entitled to conduct collective bargaining on behalf of the parent unit, so far as the existing declaration relates to the residual unit;
  - (b) if there is a method of collective bargaining relating to the parent unit, it shall have effect in relation to the residual unit with any modifications which the CAC considers necessary to take account of the change of bargaining unit and specifies in the declaration.

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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](#)