



An Roinn Gnó,  
Fiontar agus Nuálaíochta  
Department of Business,  
Enterprise and Innovation

# GUIDELINES AND APPLICATION FORM FOR A NEGOTIATION LICENCE

Section 7 of the Trade Union Act 1941 as amended by Section 2 of the Trade Union Act 1971, Section 17 of the Trade Union Act, 1975 and Sections 16 & 21 of the 1990 Industrial Relations Act, restrict the granting and holding of a Negotiation Licence to a trade union which is registered under the Trade Union Acts, 1871 to 1975 or a trade union under the law of another country, with its headquarters control in that country, and which fulfills the following five conditions: -

- At least 18 months before the date of application for a licence it notifies its intention to make an application to the Minister for Business, Enterprise and Innovation, ICTU and any trade union of which any members of the applicant trade union are members and it publishes in at least 1 daily newspaper a notice of its intention to make an application in the format prescribed in the Trade Union Act, 1971 (Notice of Intention to apply for Negotiation Licence) Regulations, 1972, S.I. No. 158 of 1972.
- Satisfies the Minister for Business, Enterprise and Innovation that, both at the date of its application and over the 18 month period before the date of its application, it had not less than 1,000 members resident in the State.
- Deposits and keeps on deposit with the High Court for the 18 months before the date of its application a sum ranging from €25,394 to €76,182 depending on membership numbers as prescribed in the Third Schedule to the 1990 Industrial Relations Act, or such sum as the Minister for Business, Enterprise and Innovation may determine if it is a trade union which has been formed wholly or mainly from two or more trade unions which have amalgamated and each of which, immediately before the amalgamation, had been the holder of a Negotiation Licence
- Its rules incorporate the provisions of Section 14 of the Industrial Relations Act, 1990 relating to secret ballots and in the case of a trade union under the law of another country, the trade union has forwarded a copy of its rules to the Registrar of Friendly Societies.
- In the case of a trade union under the law of another country it has a committee of management or other controlling authority consisting solely of members resident in the State who are empowered by the rules of the trade union to take

decisions in matters solely and directly affecting members resident in the State or in Northern Ireland,

In addition a registered trade union or a trade union under the law of another country which has deposited and keeps deposited with the High Court the required sum appropriate to its membership in accordance with the Third Schedule to the 1990 Industrial Relations Act but which does not fulfil one or more of the other conditions can qualify for a Negotiation Licence by applying to the High Court for a declaration under Section 3 of the Trade Union Act, 1971 that the granting of a Negotiating Licence would not be against the public interest.

Applications for a Negotiation Licence must be made on the form below and be submitted to the Industrial Relations Section, Department of Business, Enterprise and Innovation, Earlsfort Centre, 2<sup>nd</sup> Floor, Hatch Street, Dublin 2 D02 PW01.

## APPLICATION FOR A NEGOTIATION LICENCE

1. Application is hereby made for a negotiation licence for [*Name of Trade Union*] (hereinafter referred to as the trade union).

2. The address of the trade union's head office is

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3. The name of the general secretary or other principal officer of the trade union is

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4. The date of the registration of the trade union under the Trade Union Acts, 1871 to 1975 was the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, and the register number of the trade union is \_\_\_\_\_. [*This paragraph need not be completed if the trade union is not registered in the State under the Trade Union Acts, 1871 to 1975.*]

5. The total number of the members of the trade union is \_\_\_\_\_. [*This paragraph need not be completed if the trade union is not registered in the State under the Trade Union Acts, 1871 to 1975.*]

6. The total number of the members of the trade union resident within the State is \_\_\_\_\_. [*This paragraph need not be completed if the trade union is not a trade union under the law of another country.*]

7. The trade union is a trade union under the law of \_\_\_\_\_, and its headquarters control is situate in that country. [*This paragraph need not be completed if the trade union is not a trade union under the law of another country.*]

8. The date of the registration of the trade union under the law of \_\_\_\_\_ was the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_, and its register number is \_\_\_\_\_.

[This paragraph need not be completed if the trade union is not registered under the law of another country.]

9. On the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_, the trade union deposited the sum of € \_\_\_\_\_ with the High Court and that sum remains deposited there.

10. The following documents accompany this application:

(a) a true copy of the rules of the trade union,

(b) a copy of the latest available annual report of the trade union,

(c) a copy of the latest available statement of the accounts of the trade union.

11. A fee of €1.27 accompanies this application.

On behalf of [*Name of Trade Union*] we certify that to the best of our knowledge and belief the particulars given in this application are true.

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
(\_\_\_\_\_)

\_\_\_\_\_  
(\_\_\_\_\_)

\_\_\_\_\_  
(\_\_\_\_\_)

[This application should be signed by the General Secretary or other principal officer of the trade union and by two members of the committee of management or other controlling authority of the trade union. The office held by each signatory should be stated within the brackets – ( ).]