SCHEDULES

SCHEDULE 1

AMENDMENTS TO SCHEDULE 1A TO THE 1995 ORDER

Information about union membership and employment in bargaining unit

19. After paragraph 170 of Schedule 1A to the 1995 Order insert—

"Supply of information to the Court

170A.—(1) The Court may, if it considers it necessary to do so to enable or assist it to exercise any of its functions under this Schedule, exercise any or all of the powers conferred in sub-paragraphs (2) to (4).

(2) The Court may require an employer to supply the Court case manager, within such period as the Court may specify, with specified information concerning either or both of the following—

(a) the workers in a specified bargaining unit who work for the employer;

(b) the likelihood of a majority of those workers being in favour of the conduct by a specified union (or specified unions) of collective bargaining on their behalf.

(3) The Court may require a union to supply the Court case manager, within such period as the Court may specify, with specified information concerning either or both of the following—

(a) the workers in a specified bargaining unit who are members of the union;

(b) the likelihood of a majority of the workers in a specified bargaining unit being in favour of the conduct by the union (or by it and other specified unions) of collective bargaining on their behalf.

(4) The Court may require an applicant worker to supply the Court case manager, within such period as the Court may specify, with specified information concerning the likelihood of a majority of the workers in his bargaining unit being in favour of having bargaining arrangements ended.

(5) The recipient of a requirement under this paragraph must, within the specified period, supply the Court case manager with such of the specified information as is in the recipient's possession.

(6) From the information supplied to him under this paragraph, the Court case manager must prepare a report and submit it to the Court.

(7) If an employer, a union or a worker fails to comply with sub-paragraph (5), the report under sub-paragraph (6) must mention that failure; and the Court may draw an inference against the party concerned.

(8) The Court must give a copy of the report under sub-paragraph (6) to the employer, to the union (or unions) and, in the case of an application under paragraph 112 or 137, to the applicant worker (or applicant workers).

(9) In this paragraph—

"applicant worker" means a worker who—

(a) falls within a bargaining unit ("his bargaining unit"), and

(b) has made an application under paragraph 112 or 137 to have bargaining arrangements ended;

"the Court case manager" means the member of the staff provided to the Court by the Department who is named in the requirement (but the Court may, by notice given to the recipient of a requirement under this paragraph, change the member of that staff who is to be the Court case manager for the purposes of that requirement);

"collective bargaining" is to be construed in accordance with paragraph 3; and

"specified" means specified in a requirement under this paragraph."