

1992 No. 241

INDUSTRIAL RELATIONS

Trade Union Elections and Ballots (Independent Scrutineer Qualifications) Order (Northern Ireland) 1992

Made 28th May 1992

Coming into operation in accordance with Article 1(4)

The Department of Economic Development, in exercise of the powers conferred on it by Articles 50(2) and 60(9) of the Industrial Relations (Northern Ireland) Order 1992(a) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation, interpretation and commencement

1.—(1) This Order may be cited as the Trade Union Elections and Ballots (Independent Scrutineer Qualifications) Order (Northern Ireland) 1992.

(2) In this Order, “the 1992 Order” means the Industrial Relations (Northern Ireland) Order 1992.

(3) Any reference in this Order to a numbered Article shall, unless it is to an Article in the 1992 Order, be construed as a reference to the Article bearing that number in this Order.

(4) The provisions of this Order shall come into operation—

(a) in relation to ballots held in accordance with Article 60 of the 1992 Order, on 1st July 1992; and

(b) in relation to elections held in accordance with Article 50 of the 1992 Order, on 1st January 1994.

Qualifications

2. A person satisfies the conditions specified for the purposes of Articles 50(2)(a) and 60(9)(a) of the 1992 Order in relation to an election or ballot if he satisfies the condition specified in Article 3, 4 or 6.

3. An individual satisfies this condition if—

(a) he has in force a practising certificate issued by one or more of the following bodies—

(i) the Law Society of Northern Ireland;

(ii) the Law Society of England and Wales; and

(iii) the Law Society of Scotland;

and;

(b) he is not disqualified from satisfying this condition by Article 7.

4. An individual satisfies this condition if—

(a) he is a member of one or more of the following bodies—

- (i) the Institute of Chartered Accountants in Ireland;
- (ii) the Institute of Chartered Accountants in England and Wales;
- (iii) the Institute of Chartered Accountants in Scotland; and
- (iv) the Chartered Association of Certified Accountants;

(b) he is accepted by any such body of which he is a member as being qualified to be an auditor; and

(c) he is not disqualified from satisfying this condition by Article 7.

5. An individual who satisfies that part of the condition specified in Article 3(a) or those parts of the condition specified in Article 4(a) and (b) is hereinafter referred to as “an individual potentially qualified to be a scrutineer”.

6. Subject to Article 8, a partnership satisfies this condition if every member of the partnership is an individual potentially qualified to be a scrutineer.

7.—(1) An individual potentially qualified to be a scrutineer does not satisfy the condition specified in Article 3 or, as the case may be, Article 4 if he or any present partner of his has—

(a) during the preceding 12 months, been a member, officer or employee of the trade union proposing to hold the election or ballot; or

(b) in acting at any time as a scrutineer for any trade union, knowingly permitted any member, officer or employee of the trade union to assist him in carrying out any of the functions referred to in Article 50(3) or, as the case may be, 60(10) of the 1992 Order.

(2) References in this Article to an officer shall be construed as not including an auditor.

8. A partnership does not satisfy the condition specified in Article 6 if any member of the partnership is disqualified from being a scrutineer by Article 7.

Persons specified by name

9. The following persons are specified for the purposes of Articles 50(2)(a) and 60(9)(a) of the 1992 Order—

(a) The Electoral Reform Society of Great Britain and Ireland Limited;

(b) The Industrial Society; and

(c) Unity Security Balloting Services Limited.

Sealed with the Official Seal of the Department of Economic Development on 28th May 1992.

(L.S.)

R. B. Spence

Under Secretary

· (This note is not part of the Order.)

Articles 50 and 60 of the Industrial Relations (Northern Ireland) Order 1992 (“the 1992 Order”) requires certain elections and ballots respectively held by trade unions to be supervised by a qualified independent person (known as a “scrutineer”) appointed by a trade union. This Order specifies the conditions which a person must meet to be eligible for appointment as a scrutineer and specifies three bodies by name as being eligible for appointment as scrutineers.

A person who meets the specified conditions or a body specified may be appointed as a scrutineer of an election or ballot provided that the trade union has no grounds for believing—

- (a) that the person or body will carry out his functions less than competently; or
- (b) that the independence of the person or body in relation to the union, or the election or ballot, is open to question.

The Order comes into operation on the same dates on which Articles 50 and 60 of the 1992 Order come into operation.