

EXPLANATORY MEMORANDUM TO
THE RECOGNITION AND DERECOGNITION BALLOTS (QUALIFIED PERSONS) (AMENDMENT) ORDER (NORTHERN IRELAND) 2017

S.R. 2017 No. 223

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department for the Economy (the "Department") to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Paragraphs 25(7)(a) and 117(9)(a) of Schedule 1A to the Trade Union and Labour Relations (Northern Ireland) Order 1995 (the "1995 Order") and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The 1995 Order requires the Industrial Court, where it arranges a ballot on the recognition or derecognition of a trade union for collective bargaining, to appoint a "qualified independent person" to conduct the ballot. The 1995 Order provides that an individual or partnership must fulfil conditions specified by the Department in order to qualify for appointment as a qualified independent person. The 1995 Order also allows for the Department to specify certain bodies by name as being qualified for appointment.
- 2.2. This Statutory Rule amends the Recognition and Derecognition Ballots (Qualified Persons) Order (Northern Ireland) 2001 ("the principal Order"), by replacing the list in Article 4 which specifies bodies by name as being qualified for appointment. That list was previously replaced by the Recognition and Derecognition Ballots (Qualified Persons) (Amendment) Order (Northern Ireland) 2010 ("2010 Order") which is now partially revoked by this Order.

3. Background

- 3.1. The principal Order specifies the criteria that must be met in order to be a qualified independent person to conduct a ballot on the recognition and derecognition of a trade union for collective bargaining. It also lists those bodies specified by name as being qualified for appointment to conduct a ballot. The list of persons specified by name to act as qualified independent persons was last updated in 2010. Due to interest from other organisations not specified, and a necessity to ensure that existing organisations are still suitably qualified the Department for the Economy and the Department for Business, Energy and Industrial Strategy (BEIS) held a joint competition on 24 April 2017 to update the list of qualified independent persons and to ensure that the listed organisations were suitably qualified to conduct the necessary ballots.

3.2. Following the outcome of the joint competition, the list of persons specified by name in the principal Order has been amended and the 2010 Order has been partially revoked by this Statutory Rule.

4. Consultation

4.1. Consultation was not undertaken as no change in policy was involved. However, as noted above, a public competition was carried out to identify and assess potential new candidates, and to ensure that existing named persons had the requisite independence, experience and resources necessary for undertaking balloting work.

5. Equality Impact

5.1. Since there is no change to existing policy and the Statutory Rule only updates the list of persons specified by name, an Equality Impact Assessment was not considered necessary.

6. Regulatory Impact

6.1. An Impact Assessment has not been prepared for this Statutory Rule, as it does not impose any additional regulatory obligation on the private or voluntary sectors.

7. Financial Implications

7.1. None

8. Section 24 of the Northern Ireland Act 1998

8.1. Not applicable.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. This Statutory Rule mirrors the provisions of the GB Recognition and Derecognition Ballots (Qualified Persons) (Amendment) Order 2017 in relation to amending the list of bodies specified by name as being qualified to be appointed as a qualified independent person to conduct trade union ballots. The GB Order came into force on 1st October 2017.

11. Additional Information

11.1. Not applicable.