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**Changes to legislation:** There are currently no known outstanding effects for the Employment Relations Act 1999, Cross Heading: Procedure before Certification Officer. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 6

#### THE CERTIFICATION OFFICER

##### *Procedure before Certification Officer*

22 In section 256 (procedure before Certification Officer) for subsection (2) (provision for restricting disclosure of individual's identity) there shall be substituted—

“(2) He shall in particular make provision about the disclosure, and restriction of the disclosure, of the identity of an individual who has made or is proposing to make any such application or complaint.

(2A) Provision under subsection (2) shall be such that if the application or complaint relates to a trade union—

- (a) the individual's identity is disclosed to the union unless the Certification Officer thinks the circumstances are such that it should not be so disclosed;
- (b) the individual's identity is disclosed to such other persons (if any) as the Certification Officer thinks fit.”

23 After section 256 there shall be inserted—

##### **“256A Vexatious litigants.**

- (1) The Certification Officer may refuse to entertain any application or complaint made to him under a provision of Chapters III to VIIA of Part I by a vexatious litigant.
- (2) The Certification Officer must give reasons for such a refusal.
- (3) Subsection (1) does not apply to a complaint under section 37E(1)(b) or to an application under section 41.
- (4) For the purposes of subsection (1) a vexatious litigant is a person who is the subject of—
  - (a) an order which is made under section 33(1) of the <sup>M1</sup>Employment Tribunals Act 1996 and which remains in force,
  - (b) a civil proceedings order or an all proceedings order which is made under section 42(1) of the <sup>M2</sup>[<sup>F1</sup>Senior Courts Act 1981] and which remains in force,
  - (c) an order which is made under section 1 of the <sup>M3</sup>Vexatious Actions (Scotland) Act 1898, or
  - (d) an order which is made under section 32 of the <sup>M4</sup>Judicature (Northern Ireland) Act 1978.

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### **256B Vexatious litigants: applications disregarded.**

- (1) For the purposes of a relevant enactment an application to the Certification Officer shall be disregarded if—
- (a) it was made under a provision mentioned in the relevant enactment, and
  - (b) it was refused by the Certification Officer under section 256A(1).
- (2) The relevant enactments are sections 26(8), 31(7), 45C(5B), 56(8), 72A(10), 81(8) and 108A(13).”

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#### **Textual Amendments**

- F1** Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 11 para. 1(2)**; S.I. 2009/1604, art. 2(d)
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#### **Marginal Citations**

- M1** 1996 c. 17.  
**M2** 1981 c. 54.  
**M3** 1898 c. 35.  
**M4** 1978 c. 23.

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