

SCHEDULES

SCHEDULE 6

THE CERTIFICATION OFFICER

Register of members

- 2 In section 24 (duty to maintain register of members' names and addresses) the
second sentence of subsection (6) (application to Certification Officer does not
prevent application to court) shall be omitted.
- 3 In section 24A (securing confidentiality of register during ballots) the second
sentence of subsection (6) (application to Certification Officer does not prevent
application to court) shall be omitted.
- 4 (1) Section 25 (application to Certification Officer for declaration of breach of duty
regarding register of members' names and addresses) shall be amended as follows.
- (2) In subsection (2)(b) (duty to give opportunity to be heard where Certification Officer
considers it appropriate) omit “where he considers it appropriate.”.
- (3) After subsection (5) insert—
- “(5A) Where the Certification Officer makes a declaration he shall also, unless
he considers that to do so would be inappropriate, make an enforcement
order, that is, an order imposing on the union one or both of the following
requirements—
- (a) to take such steps to remedy the declared failure, within such period,
as may be specified in the order;
- (b) to abstain from such acts as may be so specified with a view to
securing that a failure of the same or a similar kind does not occur
in future.
- (5B) Where an enforcement order has been made, any person who is a member
of the union and was a member at the time it was made is entitled to enforce
obedience to the order as if he had made the application on which the order
was made.”
- (4) After subsection (8) insert—
- “(9) A declaration made by the Certification Officer under this section may be
relied on as if it were a declaration made by the court.
- (10) An enforcement order made by the Certification Officer under this section
may be enforced in the same way as an order of the court.
- (11) The following paragraphs have effect if a person applies under section 26 in
relation to an alleged failure—
- (a) that person may not apply under this section in relation to that
failure;

Status: This is the original version (as it was originally enacted).

- (b) on an application by a different person under this section in relation to that failure, the Certification Officer shall have due regard to any declaration, order, observations or reasons made or given by the court regarding that failure and brought to the Certification Officer’s notice.”
- 5 (1) Section 26 (application to court for declaration of breach of duty regarding register of members' names and addresses) shall be amended as follows.
 - (2) Omit subsection (2) (position where application in respect of the same matter has been made to Certification Officer).
 - (3) After subsection (7) insert—
 - “(8) The following paragraphs have effect if a person applies under section 25 in relation to an alleged failure—
 - (a) that person may not apply under this section in relation to that failure;
 - (b) on an application by a different person under this section in relation to that failure, the court shall have due regard to any declaration, order, observations or reasons made or given by the Certification Officer regarding that failure and brought to the court’s notice.”