



Employment Relations Act 2004

2004 CHAPTER 24

PART 5

THE CERTIFICATION OFFICER

49 Restriction of proceedings orders: proceedings before Certification Officer

- (1) Section 33 of the Employment Tribunals Act 1996 (c. 17) (restriction of proceedings orders) is amended in accordance with subsections (2) to (7).
- (2) In subsection (1)(a), after “whether”, where it first occurs, insert “before the Certification Officer,”.
- (3) In subsection (1)(b), after “whether” insert “before the Certification Officer,”.
- (4) In subsection (2)(a), after “instituted” insert “before the Certification Officer,”.
- (5) In subsection (2)(b), after “him”, where it first occurs, insert “before the Certification Officer,”.
- (6) In subsection (2)(c), after “proceedings” insert “before the Certification Officer,”.
- (7) In subsection (4)—
 - (a) after “proceedings”, where it first occurs, insert “before the Certification Officer,”; and
 - (b) for “the process of the tribunal in question” substitute “process”.
- (8) In section 42 of that Act (interpretation), in subsection (1), after the definition of “appointed member” insert—

““Certification Officer” shall be construed in accordance with section 254 of the Trade Union and Labour Relations (Consolidation) Act 1992,”.
- (9) In section 256A of the 1992 Act (power of Certification Officer to refuse to entertain applications and complaints made by vexatious litigants), in subsection (4) (definition of “vexatious litigant” for the purposes of that section) omit paragraph (a).