

SCHEDULES

SCHEDULE 6

THE CERTIFICATION OFFICER

Register of members

F12

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Textual Amendments

F1 Sch. 6 para. 2 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8

F23

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Textual Amendments

F2 Sch. 6 para. 3 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8

- 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.

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

- (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;
 - (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.
- ^{F3}(2)
- (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.”

Textual Amendments

F3 Sch. 6 para. 5(2) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8

Changes to legislation:

There are currently no known outstanding effects for the Employment Relations Act 1999, Cross
Heading: Register of members.