SCHEDULES

SCHEDULE 2

CERTIFICATION OFFICER: EXERCISE OF POWERS WITHOUT APPLICATION ETC

Duty to secure positions not held by certain offenders

1 (1) Section 45C of the 1992 Act (remedies and enforcement) is amended as follows.

(2) In subsection (1), for "effect." substitute " effect; but the Certification Officer may also exercise the powers under this section where no application is made under this section. "

(3) After that subsection insert—

"(1A) Where an application is made to the Certification Officer under this section, the Officer must ensure that, so far as is reasonably practicable, it is determined within six months of being made."

(4) For subsection (2) substitute—

"(2) Where the Certification Officer is satisfied that a trade union has failed to comply with the requirement of section 45B, the Officer may make a declaration to that effect.

(2A) Before deciding the matter the Certification Officer—

(a) may make such enquiries as the Officer thinks fit,

(b) must give the union and the applicant (if any) an opportunity to make written representations, and

(c) may give the union and the applicant (if any) an opportunity to make oral representations.

(2B) The Certification Officer must give reasons for the Officer's decision in writing."

(5) In subsection (6), for "the application on which the order was made" substitute " an application under this section ".

(6) In subsection (7) omit "of the application".

Commencement Information

I1 Sch. 2 para. 1 in force at 1.4.2022 by S.I. 2021/1373, **reg. 4(b)** (with reg. 7)

Changes to legislation:
There are currently no known outstanding effects for the Trade Union Act 2016, Paragraph 1.