
STATUTORY INSTRUMENTS

2010 No. 437

**TERMS AND CONDITIONS OF EMPLOYMENT
TRADE UNIONS**

The Recognition and Derecognition Ballots
(Qualified Persons) (Amendment) Order 2010

<i>Made</i>	- - - -	<i>22nd February 2010</i>
<i>Laid before Parliament</i>		<i>25th February 2010</i>
<i>Coming into force</i>	- -	<i>6th April 2010</i>

The Secretary of State, in exercise of the powers conferred by paragraphs 25(7)(a) and 117(9)(a) of Schedule A1 to the Trade Union and Labour Relations (Consolidation) Act 1992⁽¹⁾, makes the following Order:

Citation, commencement and interpretation

1. This Order may be cited as the Recognition and Derecognition Ballots (Qualified Persons) (Amendment) Order 2010 and shall come into force on 6th April 2010.

Amendments to the Recognition and Derecognition Ballots (Qualified Persons) Order 2000

2. The Recognition and Derecognition Ballots (Qualified Persons) Order 2000⁽²⁾ is amended as follows:

(a) for Article 2(b), substitute—

“(b) is eligible for appointment as a statutory auditor under Part 42 of the Companies Act 2006.”;

(b) for Article 4, substitute—

“4. The following persons are specified for the purpose of the relevant provisions—

Association of Electoral Administrators;

DRS Data Services Limited;

Electoral Reform Services Limited;

Involvement and Participation Association;

(1) 1992 c. 52. Schedule A1 to the Act was inserted by the Employment Relations Act 1999 (c. 26), section 1.

(2) S.I. 2000/1306, amended by S.I. 2002/2268.

Opt2Vote Limited; and
Popularis Limited.”

22nd February 2010

Lord Young of Norwood Green
Minister of State for Employment Relations and
Postal Affairs
Department for Business, Innovation and Skills

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes two amendments to the Recognition and Derecognition Ballots (Qualified Persons) Order 2000. The list at Article 4 of the 2000 Order of bodies specified by name as being qualified for appointment has been replaced. That list was previously replaced in October 2002 by the Recognition and Derecognition Ballots (Qualified Persons) Order 2000 (Amendment) Order 2002.

The conditions at Article 2, which an individual must satisfy in order to be eligible for appointment, have been updated by replacing a reference to the now repealed section 25 of the Companies Act 1989 with a reference to Part 42 of the Companies Act 2006.

Under Schedule A1 to the Trade Union and Labour Relations (Consolidation) Act 1992, where the Central Arbitration Committee arranges a ballot on the recognition or derecognition of a trade union for collective bargaining, it must appoint a “qualified independent person” to conduct the ballot.

The 2000 Order specifies conditions which must be satisfied in order for an individual or partnership to qualify for appointment as a scrutineer. It also specifies certain bodies by name as being qualified.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.