

SCHEDULES

SCHEDULE 6

THE CERTIFICATION OFFICER

Procedure before, and appeals from, Certification Officer

4.—(1) Article 70 (procedure before, and appeals from, Certification Officer) shall be amended as follows.

(2) In paragraph (1) omit the words from “and, without prejudice” to the end.

(3) After paragraph (1) insert—

“(1A) He shall in particular make provision about the disclosure, and restriction of the disclosure, of the identity of an individual who has made or is proposing to make any such application or complaint.

(1B) Provision under paragraph (1A) shall be such that if the application or complaint relates to a trade union—

(a) the individual’s identity is disclosed to the union unless the Certification Officer thinks the circumstances are such that it should not be so disclosed;

(b) the individual’s identity is disclosed to such other persons (if any) as the Certification Officer thinks fit.”.

(4) After paragraph (3) insert—

“(4) An appeal lies to the Court of Appeal on any question of law arising in proceedings before or arising from any decision of the Certification Officer under—

(a) Article 13C or 37 of this Order;

(b) Article 5, Article 22, Part V, Article 84 or Part VIA of the Trade Union and Labour Relations (Northern Ireland) Order 1995.”.

5. After Article 70 there shall be inserted—

“Vexatious litigants

70A.—(1) The Certification Officer may refuse to entertain any application or complaint made to him under a provision of—

(a) this Order; or

(b) Parts II to VIA of the Trade Union and Labour Relations (Northern Ireland) Order 1995,

by a vexatious litigant.

(2) The Certification Officer must give reasons for such a refusal.

(3) Paragraph (1) does not apply to a complaint under Article 12E(1)(b) or to an application under Article 5 or 6 or paragraph 30 of Schedule 1.

(4) For the purposes of paragraph (1) a vexatious litigant is a person who is the subject of—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) an order which is made under section 32 of the Judicature (Northern Ireland) Act 1978,
- (b) an order which is made under section 33(1) of the Employment Tribunals Act 1996 and which remains in force,
- (c) a civil proceedings order or an all proceedings order which is made under section 42(1) of the Supreme Court Act 1981 and which remains in force, or
- (d) an order which is made under section 1 of the Vexatious Actions (Scotland) Act 1898.

Vexatious litigants: applications disregarded

70B.—(1) For the purposes of a relevant enactment an application to the Certification Officer shall be disregarded if—

- (a) it was made under a provision mentioned in the relevant enactment, and
 - (b) it was refused by the Certification Officer under Article 70A(1).
- (2) The relevant enactments are—
- (a) Articles 13C(5B) and 37(8D); and
 - (b) Articles 6(8), 23(8), 46A(10), 56(8) and 90A(14) of the Trade Union and Labour Relations (Northern Ireland) Order 1995.”.

6. The Trade Union and Labour Relations Order shall be amended as provided by the following provisions of this Schedule.