
STATUTORY INSTRUMENTS

1992 No. 807

The Industrial Relations (Northern Ireland) Order 1992

PART VI

SECRET BALLOTS BEFORE INDUSTRIAL ACTION

Ballots authorising or endorsing industrial action

44.—(1) For the purposes of paragraph (1) of Article 20, an act shall be taken as having been done with the support of a ballot if, but only if—

- (a) the requirements set out in paragraph (2) are satisfied; or
- (b) in the case of an act done in contemplation or furtherance of a trade dispute involving members both in Great Britain and in Northern Ireland, had the act taken place in Great Britain, it would be taken for the purposes of section 10(1) of the Trade Union Act 1984⁽¹⁾ as having been so done.

(2) The requirements mentioned in paragraph (1)(a) are—

- (a) that the trade union has held a ballot in respect of the strike or other industrial action in the course of which the breach or interference referred to in that paragraph occurred;
- (b) that the majority of those voting in the ballot have answered “Yes” to the appropriate question;
- (c) that the first authorisation or endorsement of any relevant act, and in the case of an authorisation the relevant act itself, took place after the date on which the ballot was held and before the expiry of the period of four weeks beginning with that date; and
- (d) that Article 45 has been satisfied in relation to the ballot.

(3) Where—

- (a) any person has been induced by an act to break his contract of employment or to interfere with its performance; and
- (b) separate ballots have been held by virtue of Article 45(2) in relation to the strike or industrial action in the course of which that act has induced the breach or interference,

then paragraph (2) shall be construed, in relation to the inducement of that breach or interference, as making provision which, in the case of sub-paragraph (b) of that paragraph, requires only that the majority voting in the ballot for that person’s place of work have answered “Yes” to the appropriate question and, in the case of sub-paragraphs (c) and (d), does not impose any requirements in relation to any other ballot.

(4) Subject to paragraph (5), in this Part references to the appropriate question are references to whichever of the questions set out in paragraph (6) of Article 45 is applicable to the strike or other industrial action in question.

Status: This is the original version (as it was originally made).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

(5) Where both the questions mentioned in paragraph (4) are applicable in relation to any industrial action, an act inducing a breach or interference such as is mentioned in paragraph (1) of Article 20 shall be treated as an act for the purposes of which the requirement of sub-paragraph (b) of paragraph (2) is satisfied if, but only if, that sub-paragraph (or, as the case may be, that sub-paragraph as it has effect by virtue of paragraph (3)) is satisfied in relation to the question applicable to that part of the action in the course of which the breach or interference occurred.