
STATUTORY INSTRUMENTS

1992 No. 807

The Industrial Relations (Northern Ireland) Order 1992

PART VII

SECRET BALLOTS FOR TRADE UNION ELECTIONS

Proceedings before Certification Officer: supplementary provisions

53.—(1) Where the Certification Officer makes a declaration under Article 52 and is satisfied that—

- (a) steps have been taken by the union with a view to remedying the declared failure or securing that a failure of the same, or any similar, kind as that of the declared failure does not arise on the part of the union; or
- (b) the union has agreed to take such steps,

the Certification Officer shall, in making the declaration, specify those steps.

(2) On an application to him under Article 52, the Certification Officer (whether or not he makes a declaration) shall give reasons for his decision in writing; and any such reasons may be accompanied by written observations on any matter arising from, or connected with, the proceedings.

(3) The making of an application to the Certification Officer under Article 52 shall not be taken to prevent the applicant, or any other person, from making a subsequent application to the High Court under that Article in respect of the same matter.

(4) Where such a subsequent application is made, the High Court shall have due regard to any declaration, reasons or observations of the Certification Officer in the proceedings before him which are brought to the notice of the court in the proceedings before it.

(5) On an application made to him under Article 52, the Certification Officer shall—

- (a) make such enquiries as he thinks fit; and
- (b) where he considers it appropriate, give the applicant and the trade union an opportunity to be heard.

(6) In exercising his functions under this Article the Certification Officer shall ensure, so far as is reasonably practicable, that every application made to him under Article 52 is determined within six months.

(7) Where the Certification Officer requests any person to furnish information to him in connection with enquiries made by him under this Article, he shall specify the date by which that information is to be furnished and shall, unless he considers that in all the circumstances of the case it would be inappropriate to do so, proceed with his determination of the application notwithstanding that the information has not been furnished to him by the specified date.