



# Trade Union and Labour Relations (Consolidation) Act 1992

## 1992 CHAPTER 52

### PART VI

#### ADMINISTRATIVE PROVISIONS

##### *The Certification Officer*

#### **254 The Certification Officer**

- (1) There shall continue to be an officer called the Certification Officer.
- (2) The Certification Officer shall be appointed by the Secretary of State after consultation with ACAS.
- (3) The Certification Officer may appoint one or more assistant certification officers and shall appoint an assistant certification officer for Scotland.
- (4) The Certification Officer may delegate to an assistant certification officer such functions as he thinks appropriate, and in particular may delegate to the assistant certification officer for Scotland such functions as he thinks appropriate in relation to organisations whose principal office is in Scotland.

References to the Certification Officer in enactments relating to his functions shall be construed accordingly.

- (5) ACAS shall provide for the Certification Officer the requisite staff (from among the officers and servants of ACAS) and the requisite accommodation, equipment and other facilities.
- (6) The Secretary of State shall pay to the Certification Officer such sums as he may require for making payments under the scheme under section 115 (payments towards expenditure in connection with secret ballots).

**255 Remuneration, &c. of Certification Officer and assistants**

- (1) ACAS shall pay to the Certification Officer and any assistant certification officer such remuneration and travelling and other allowances as may be determined by the Secretary of State.
- (2) The Secretary of State may pay, or make provision for payment, to or in respect of the Certification Officer and any assistant certification officer such pension, allowance or gratuity on death or retirement as he may determine.
- (3) Where a person ceases to be the Certification Officer or an assistant certification officer otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances which make it right for him to receive compensation, he may make him a payment of such amount he may determine.
- (4) The approval of the Treasury is required for any determination by the Secretary of State under this section.

**256 Procedure before the Certification Officer**

- (1) Except in relation to matters as to which express provision is made by or under an enactment, the Certification Officer may regulate the procedure to be followed—
  - (a) on any application or complaint made to him, or
  - (b) where his approval is sought with respect to any matter.
- (2) He shall, in particular, make such provision as he thinks appropriate for restricting the circumstances in which the identity of an individual who has made, or is proposing to make, any such application or complaint is disclosed to any person.
- (3) The Secretary of State may, with the consent of the Treasury, make a scheme providing for the payment by the Certification Officer to persons of such sums as may be specified in or determined under the scheme in respect of expenses incurred by them for the purposes of, or in connection with, their attendance at hearings held by him in the course of carrying out his functions.
- (4) ACAS shall pay to the Certification Officer such sums as he may require for the making of payments in pursuance of any such scheme.

**257 Custody of documents submitted under earlier legislation**

- (1) The Certification Officer shall continue to have custody of the annual returns, accounts, copies of rules and other documents submitted for the purposes of—
  - (a) the Trade Union Acts 1871 to 1964,
  - (b) the Industrial Relations Act 1971, or
  - (c) the Trade Union and Labour Relations Act 1974,of which he took custody under section 9 of the Employment Protection Act 1975.
- (2) He shall keep available for public inspection (either free of charge or on payment of a reasonable charge) at all reasonable hours such of those documents as were available for public inspection in pursuance of any of those Acts.

## **258 Annual report and accounts**

- (1) The Certification Officer shall, as soon as practicable after the end of each calendar year, make a report of his activities during that year to ACAS and to the Secretary of State.

The Secretary of State shall lay a copy of the report before each House of Parliament and arrange for it to be published.

- (2) The accounts prepared by ACAS in respect of any financial year shall show separately any sums disbursed to or on behalf of the Certification Officer in consequence of the provisions of this Part.