

**2010 No. 79**

**TRADE UNIONS**

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

*Made* - - - - *10th March 2010*

*Coming into operation* - *6th April 2010*

The Department for Employment and Learning<sup>(a)</sup>, in exercise of the powers conferred by paragraphs 25(7)(a) and 117(9)(a) of Schedule 1A to the Trade Union and Labour Relations (Northern Ireland) Order 1995<sup>(b)</sup>, and now vested in it<sup>(c)</sup>, makes the following Order:

**Citation, commencement and interpretation**

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

(2) In this Order “the principal Order” means the Recognition and Derecognition Ballots (Qualified Persons) Order (Northern Ireland) 2001<sup>(d)</sup>.

**Amendments to the principal Order**

2.—(1) For Article 2(b) of the principal Order there shall be substituted—

“(b) is eligible for appointment as a statutory auditor under Part 42 of the Companies Act 2006<sup>(e)</sup>.”.

(2) For Article 4 of the principal Order there shall be substituted—

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

Association of Electoral Administrators;

DRS Data Services Limited;

Electoral Reform Services Limited;

Involvement and Participation Association;

Opt2Vote Limited; and

Popularis Limited.”

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(a) Formerly the Department of Higher and Further Education, Training and Employment; *see* 2001 c. 15 (N.I.)

(b) S.I. 1995/1980 (N.I. 12); Schedule 1A was inserted by Article 3 of the Employment Relations (Northern Ireland) Order 1999 (S.I. 1999/2790 (N.I. 9))

(c) *See* S.R. 1999 No. 481

(d) S.R. 2001 No. 38

(e) 2006 c. 46

**Revocation**

3. The Recognition and Derecognition Ballots (Qualified Persons) (Amendment) Order (Northern Ireland) 2004 (a) is hereby revoked.

Sealed with the Official Seal of the Department for Employment and Learning on 10th March 2010.



*Sir Reg Empey*  
Minister for Employment and Learning

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(a) S.R. 2004 No. 518

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

Under Schedule 1A to the Trade Union and Labour Relations (Northern Ireland) Order 1995, where the Industrial Court 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 Recognition and Derecognition Ballots (Qualified Persons) Order (Northern Ireland) 2001 (the “2001 Order”) specifies conditions which must be satisfied in order for an individual or partnership to be a qualified person. It also specifies certain persons by name as qualified persons.

This Order makes two amendments to the 2001 Order. The list at Article 4 of the 2001 Order of persons specified by name as being qualified for appointment has been replaced. That list was previously replaced in January 2005 by the Recognition and Derecognition Ballots (Qualified Persons) (Amendment) Order (Northern Ireland) 2004 which is now revoked by this Order.

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 Article 28 of the Companies (Northern Ireland) Order 1990 with a reference to Part 42 of the Companies Act 2006.

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

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