STATUTORY RULES OF NORTHERN IRELAND

2010 No. 78

TRADE UNIONS

The Trade Union Ballots and Elections (Independent Scrutineer Qualifications) Order (Northern Ireland) 2010

Made - - - -	*10th March 2010*
Coming into operation	*6th April 2010*

The Department for Employment and Learning(**1**), in exercise of the powers conferred by Articles 15(2), 49(2), 77(2) and 106(2) of the Trade Union and Labour Relations (Northern Ireland) Order 1995(**2**), and now vested in it(**3**), makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Trade Union Ballots and Elections (Independent Scrutineer Qualifications) Order (Northern Ireland) 2010 and shall come into operation on 6th April 2010.

(2) In this Order—

"the 1995 Order" means the Trade Union and Labour Relations (Northern Ireland) Order 1995;

"an individual potentially qualified to be a scrutineer" means an individual who satisfies the requirement specified in either paragraph (a) of Article 3 or paragraph (a) of Article 4;

"the relevant provisions" means the provisions of Articles 15(2)(a), 49(2)(a), 77(2)(a) and 106(2)(a) of the 1995 Order.

Qualifications

2. An individual satisfies the condition specified for the purposes of the relevant provisions in relation to a ballot or election, (as the case may be), if he satisfies the condition specified in Article 3 or 4.

3. An individual satisfies this condition if—

(a) he has in force a practising certificate issued by one or more of the following bodies—

(i) the Law Society of Northern Ireland;

(ii) the Law Society of England and Wales; or

(**1**) Formerly the Department of Higher and Further Education, Training and Employment; *see*2001 c. 15 (N.I.)
(**2**) S.I. 1995/1980 (N.I. 12)
(**3**) *See*S.R. 1999 No. 481

(iii) the Law Society of Scotland;

and;

(b) he is not disqualified from satisfying this condition by virtue of Article 5.

4. An individual satisfies this condition if—

(a) he is qualified to be an auditor of a trade union by virtue of paragraph 6 of Schedule 1 to the Industrial Relations (Northern Ireland) Order 1992(**4**); and

(b) he is not disqualified from satisfying this condition by virtue of Article 5.

5.—(1) An individual potentially qualified to be a scrutineer does not satisfy the condition specified in article 3 or 4 if he or any existing partner of his has—

(a) during the preceding 12 months, been a member, an officer or an employee of the trade union proposing to hold the ballot or election; or

(b) in acting at any time as a scrutineer for any trade union, knowingly permitted any member, officer or employee of the trade union to assist him in carrying out any of the functions referred to in Articles 15(3), 49(3), 77 (3) and 106(1) of the 1995 Order.

(2) References in this Article to an officer shall be construed as not including an auditor.

6. A partnership satisfies the condition specified for the purposes of the relevant provisions in relation to a ballot or election, (as the case may be), if—

(a) every member of the partnership is an individual potentially qualified to be a scrutineer; and

(b) no member of the partnership is disqualified from being a scrutineer by virtue of Article 5.

Persons specified by name

7. 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.

Revocation

8. The Trade Union Elections and Ballots (Independent Scrutineer Qualifications) Order (Northern Ireland) 1992(**5**) and the Trade Union Elections and Ballots (Independent Scrutineer Qualifications) (Amendment) Order (Northern Ireland) 2003(**6**) are hereby revoked.

(**4**) S.I. 1992/807 (N.I. 5); paragraph 6 of Schedule 1 was substituted by paragraph 22 of the Schedule to the Companies (1990 Order) (Eligibility for Appointment as Company Auditor) (Consequential Amendments) Regulations (Northern Ireland) 1993 (S.R. 1993 No. 67) and amended by paragraph 2(g) of Schedule 1 to the Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948).

(**5**) S.R. 1992 No. 241

(**6**) S.R. 2003 No. 331