

TRADE UNION (WALES) ACT 2017

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 1 – Amendments to the Trade Union and Labour Relations (Consolidation) Act 1992

Disapplies regulations about facility time to Welsh public authorities

14. **Section 1(3)** provides that sections 172A and 172B of the 1992 Act (as inserted by sections 13 and 14 of the 2016 Act) do not apply to devolved Welsh public authorities.
15. Sections 168 to 172 of the 1992 Act make provision about “facility time”, which is time off permitted by employees for the purpose of carrying out trade union duties. Sections 13 and 14 of the 2016 Act inserted sections 172A and 172B which confer powers on a Minister of the Crown to make regulations about facility time.
16. Regulations made under section 172A may require public sector employers to publish information about on the amount of facility time allowed. Section 172B provides that where a Minister of the Crown considers it appropriate to do so, and having regard to matters in section 172B(1), he or she may make regulations to cap the percentage of the employers’ total pay bill spent on paying union officials for facility time and to restrict the rights of union officials to facility time by amending provisions in section 172B(4). Regulations under section 172B may only be made three years after the first regulations under section 172A come into force.