



Trade Union Act 2016

2016 CHAPTER 15

Ballot thresholds for industrial action

2 Ballots: 50% turnout requirement

- (1) In section 226 of the 1992 Act (requirement of ballot before action by trade union), in subsection (2)(a), after sub-paragraph (ii) insert—
- “(ia) in which at least 50% of those who were entitled to vote in the ballot did so, and”.
- (2) Subsection (1) does not apply to any ballot opened before the day on which this section comes into force.

For this purpose a ballot is “opened” on the first day when a voting paper is sent to any person entitled to vote in the ballot.

Commencement Information

II S. 2 in force at 1.3.2017 by [S.I. 2017/139](#), [reg. 2\(a\)](#)

3 Ballots: 40% support requirement in important public services

- (1) In section 226 of the 1992 Act, in subsection (2)(a)(iii), for “the majority voting in the ballot” substitute “the required number of persons (see subsections (2A) to (2C))”.
- (2) After subsection (2) of that section insert—
- “(2A) In all cases, the required number of persons for the purposes of subsection (2)(a)(iii) is the majority voting in the ballot.
- (2B) There is an additional requirement where the majority of those who were entitled to vote in the ballot are at the relevant time normally engaged in the provision of important public services, unless at that time the union reasonably believes this not to be the case.

Changes to legislation: There are currently no known outstanding effects for the Trade Union Act 2016, Cross Heading: Ballot thresholds for industrial action. (See end of Document for details)

- (2C) The additional requirement is that at least 40% of those who were entitled to vote in the ballot answered “Yes” to the question.
- (2D) In subsection (2B) “important public services” has the meaning given by regulations made by statutory instrument by the Secretary of State.
- (2E) Regulations under subsection (2D) may specify only services that fall within any of the following categories—
- (a) health services;
 - (b) education of those aged under 17;
 - (c) fire services;
 - (d) transport services;
 - (e) decommissioning of nuclear installations and management of radioactive waste and spent fuel;
 - (f) border security.
- (2F) No regulations shall be made under subsection (2D) unless a draft of them has been laid before Parliament and approved by a resolution of each House of Parliament.”
- (3) This section does not apply to any ballot opened before the day on which this section comes into force.

For this purpose a ballot is “opened” on the first day when a voting paper is sent to any person entitled to vote in the ballot.

Commencement Information

I2 S. 3 in force at 5.12.2016 for specified purposes by S.I. 2016/1170, reg. 2(a)

I3 S. 3 in force at 1.3.2017 in so far as not already in force by S.I. 2017/139, reg. 2(b)

Changes to legislation:

There are currently no known outstanding effects for the Trade Union Act 2016, Cross Heading: Ballot thresholds for industrial action.