

**2017 No. 136**

**TRADE UNIONS**

**The Important Public Services (Border Security) Regulations  
2017**

*Made - - - - 9th February 2017*

*Coming into force in accordance with regulation 1*

The Secretary of State, in exercise of the powers conferred by section 226(2D) of the Trade Union and Labour Relations (Consolidation) Act 1992(a), makes the following Regulations.

A draft of these Regulations was laid before Parliament in accordance with section 226(2F) of the Trade Union and Labour Relations (Consolidation) Act 1992(b) and approved by a resolution of each House of Parliament.

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Important Public Services (Border Security) Regulations 2017.

(2) These Regulations come into force on—

- (a) 1st March 2017, or
- (b) if later, at the end of the period of 21 days beginning with the day on which they are made.

**Border Security**

**2.**—(1) The following border security functions are important public services for the purposes of section 226 of the Trade Union and Labour Relations (Consolidation) Act 1992—

- (a) the examination by a Border Force officer of persons arriving in or leaving the United Kingdom;
- (b) the examination by a Border Force officer of goods—
  - (i) imported to or exported from the United Kingdom, or
  - (ii) entered for exportation or brought to any place in the United Kingdom for exportation;
- (c) the patrol by a Border Force officer of the sea and other waters within the seaward limits of the territorial sea adjacent to the United Kingdom;
- (d) the collection and dissemination of intelligence by a Border Force officer for the purposes of the functions set out in sub-paragraph (a), (b) or (c);

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(a) 1992 c.52. Section 226(2D) was inserted by section 3 of the Trade Union Act 2016 (c.15).

(b) Section 226(2F) was inserted by section 3 of the Trade Union Act 2016.

- (e) the direction and control by a Border Force officer of the functions set out in subparagraph (a), (b), (c) or (d).

(2) In this regulation “Border Force officer” means a person who is appointed as such by the Secretary of State.

9th February 2017

*Margot James*  
Minister for Small Business, Consumer and Corporate Responsibility  
Department for Business, Energy and Industrial Strategy

### **EXPLANATORY NOTE**

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

Section 226(2B) of the Trade Union and Labour Relations (Consolidation) Act 1992 (“the 1992 Act”) (inserted by the Trade Union Act 2016 (c.15)) introduces a new 40% threshold of support that must be satisfied in ballots for industrial action in important public services. This applies unless the union reasonably believes that a majority of those balloted are workers who are not normally engaged in the provision of important public services.

These Regulations specify for the purposes of section 226 of the 1992 Act the important public services in the border security sector. Separate Regulations specify the important public services in the health, education, fire, and transport sectors.

A full impact assessment of the effect that this instrument, and the related Regulations, will have on the costs of business and the public sector is available from the Department for Business, Energy and Industrial Strategy, 1 Victoria Street, London, SW1H 0ET, and is annexed to the Explanatory Memorandum which is available alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).

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