

**2017 No. 139 (C. 14)**

**TRADE UNIONS**

**The Trade Union Act 2016 (Commencement No. 3 and  
Transitional) Regulations 2017**

*Made* - - - -

*9th February 2017*

The Secretary of State, in exercise of the powers conferred by section 25 of the Trade Union Act 2016<sup>(a)</sup> makes the following Regulations.

**Citation**

1. These Regulations may be cited as the Trade Union Act 2016 (Commencement No. 3 and Transitional) Regulations 2017.

**Provisions coming into force on 1st March 2017**

2. The following provisions of the Trade Union Act 2016 come into force on 1st March 2017—
- (a) section 2 (ballots: 50% turnout requirement);
  - (b) section 3 (40% support requirement for industrial action ballots in important public services), to the extent that it is not already in force;
  - (c) section 5 (information to be included on the voting paper);
  - (d) section 6 (information to members etc about result of the ballot);
  - (e) section 7 (information to Certification Officer about industrial action etc);
  - (f) section 8 (two weeks' notice to be given to employers of industrial action);
  - (g) section 9 (expiry of mandate for industrial action);
  - (h) section 10 (union supervision of picketing);
  - (i) section 11 (opting in by union members to contribute to political funds), to the extent that it is not already in force;
  - (j) section 12 (union's annual return to include details of political expenditure);
  - (k) section 13 (publication requirements in relation to facility time);
  - (l) section 15 (restriction on deduction of union subscriptions from wages in public sector) for the purpose of making regulations under section 116B of the Trade Union and Labour Relations (Consolidation) Act 1992<sup>(b)</sup> (as inserted by section 15);
  - (m) section 18 (enforcement by Certification Officer of new annual return requirements);
  - (n) section 22 (minor and consequential amendments), in so far as it relates to the following paragraphs of Schedule 4—

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(a) 2016 c.15.

(b) 1992 c.52.

- (i) paragraphs 4 to 14;
- (ii) paragraphs 17 to 20; and
- (iii) paragraph 21(a) and (c).

### **Transitional Provisions**

3. The amendments made by section 10 apply in relation to a trade union organising or encouraging members after 1st March 2017 to take part in picketing (in accordance with section 220A(1) of the Trade Union and Labour Relations (Consolidation) Act 1992).

4. The amendments made by paragraphs 5 to 11 and paragraph 20 of Schedule 4 apply only after the end of the transition period of 12 months beginning on 1st March 2017(a) specified under section 11(6) of the Trade Union Act 2016, and only in relation to a person—

- (a) who after the end of that period joins a trade union that has a political fund, or
- (b) who is a member of a trade union that has a political fund but did not have one immediately before the end of that period.

9th February 2017

*Margot James*  
Parliamentary Under Secretary of State for Small Business,  
Consumers and Corporate Responsibility  
Department for Business, Energy and Industrial Strategy

### **EXPLANATORY NOTE**

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

These Regulations bring into force specified provisions of the Trade Union Act 2016 (c. 15) (“the 2016 Act”). These are the third commencement regulations made under the 2016 Act. Certain provisions came into force on the passing of the 2016 Act.

Regulation 2 commences a number of provisions of the 2016 Act that—

- require 50% turnout in all industrial action ballots;
- require 40% support in industrial action ballots in important public services;
- require information to be included on the voting paper;
- require information to be provided to members about the result of the industrial action ballot;
- require information to be included about industrial action in the union’s annual return to the Certification Officer;
- provide for two weeks’ notice to be given to employers of industrial action;
- provide for the expiry of the mandate for industrial action;
- sets out the requirements on unions for the supervision of picketing;
- require persons who join a trade union after a transition period to make an active choice before contributing to a union’s political fund;

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(a) In accordance with The Trade Union Act 2016 (Political Funds) (Transition Period) Regulations 2017 No. 130.

- require information to be included about expenditure of a union’s political funds in the union’s annual return to the Certification Officer;
- enable a Minister of the Crown to make regulations requiring relevant public sector employers with one or more trade union representatives to publish information relating to facility time;
- enable a Minister of the Crown to make regulations specifying relevant public sector employers for the purposes of restricting the deduction of union subscriptions from wages in the public sector;
- provide for enforcement by the Certification Officer of new annual return requirements in relation to industrial action and political funds; and
- make minor and consequential amendments.

### **NOTE AS TO EARLIER COMMENCEMENT REGULATIONS**

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

The following provisions of the Act have been brought into force by commencement regulations made before the date of these Regulations:

<i>Provision of the Act</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1	3rd November 2016	2016/1051
Section 3 (partially)	5th December 2016	2016/1170
Section 4	3rd November 2016	2016/1051
Section 11 (partially)	5th December 2016	2016/1170

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