
STATUTORY INSTRUMENTS

2017 No. 328

The Trade Union (Facility Time Publication Requirements) Regulations 2017

Requirement to publish information

8.—(1) If the employee number condition is met in respect of a relevant period, a relevant public sector employer must publish the information that comprises the response to the questions, or request for information, set out in Schedule 2 in respect of that period as it applies to that employer.

(2) The employee number condition is met if the relevant public sector employer has a full-time equivalent employee number of more than 49 throughout the entirety of any seven of the months within the relevant period.

(3) The information must be published, together with the questions, or request for information, in the form indicated in Schedule 2.

(4) The information must be published by being—

- (a) placed on a website maintained by or on behalf of the employer before 31st July in the calendar year in which the relevant period to which the information relates ends; and
- (b) included in the employer’s annual report which covers the relevant period, where the employer produces an annual report.

(5) If the information is not, by virtue of paragraph (4), placed on a website maintained by or on behalf of the Government of the United Kingdom, the employer must also cause it to be placed on such a website before 31st July in the calendar year in which the relevant period to which the information relates ends.

(6) Paragraph (7) applies to a local authority, the Common Council of the City of London and the Council of the Isles of Scilly if the authority or Council is required to publish information under this regulation in respect of a relevant period.

(7) The authority or Council must comply with the requirements of this regulation separately in relation to—

- (a) its central function employees;
- (b) its education function employees;
- (c) its fire and rescue function employees,

to the extent it has employees within those categories.

(8) The reference in paragraph (7) to “separately” means publishing the information, and carrying out such calculations as are necessary for the purposes of determining the information to be published, as if the employer were a separate employer for each category of employees.

(9) In paragraph (7)—

“central function employees” means employees of the authority or Council other than—

- (a) its fire and rescue function employees; and
- (b) its education function employees;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“education function employees” means persons employed by virtue of section 35(2) of the Education Act 2002(1) (staffing of community, voluntary controlled, community special and maintained nursery schools);

“fire and rescue function employees” means employees employed to carry out functions that the authority or Council has because it is a fire and rescue authority (see section 1 of the Fire and Rescue Services Act 2004(2)).

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- (1) 2002 c. 32. Section 35(2) was amended by S.I. 2010/1158 so that “local authority” was substituted for “local education authority” (see Schedule 2, Part 1, paragraph 11(2)). For the meaning of “local authority” as used in section 35(2), see section 212(1) of the 2002 Act (as amended by S.I. 2010/1158, Schedule 2, Part 1, paragraph 11(12)) and section 579(1) of the Education Act 1996 (c. 56) (as amended by S.I. 2010/1158, article 3(2)(b)).
- (2) 2004 c. 21. The reference in section 1(2)(d) to a metropolitan county fire and civil defence authority is treated as a reference to a metropolitan county fire and rescue authority (see the Civil Contingencies Act 2004 (c. 36), Schedule 2, Part 1, paragraph 10(2)).