Draft Regulations laid before Parliament under section 226(2F) of the Trade Union and Labour Relations (Consolidation) Act 1992, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2017 No. XXXX

TRADE UNIONS

The Important Public Services (Health) Regulations 2017

Made - - - - ***

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 (Health) 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.

Health services

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

(a) the ambulance services listed in paragraph (3) provided in an emergency;

(b) accident and emergency services in a hospital;

(c) services which are provided in high-dependency units and intensive care in a hospital;

(d) psychiatric services provided in a hospital for conditions which require immediate attention in order to prevent serious injury, serious illness or loss of life; and

(e) obstetric and midwifery services provided in a hospital for conditions which require immediate attention in order to prevent serious injury, serious illness or loss of life.

(2) A service referred to in paragraph (1) is not an important public service for the purposes of section 226 if it is provided in a private hospital or by a private ambulance service.

(**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.

(3) The ambulance services referred to in paragraph (1)(a) are—

(a) dealing with, and organising a response to, a call made by telephone or another device to an emergency telephone number and received by a provider of ambulance services;

(b) the diagnosis or treatment of a person in response to such a call, irrespective of whether the person is subsequently transferred to a hospital, or another place where further health services may be provided; and

(c) the conveyance of a person to a hospital or another place where further health services may be provided in response to such a call.

(4) For the purposes of this regulation—

(a) "emergency telephone number" means the telephone numbers 112 and 999;

(b) a "private hospital" is a hospital whose primary purpose is not the provision of publicly funded health services; and

(c) a "private ambulance service" is an ambulance or associated transport service whose primary purpose is not the provision of publicly funded ambulance services.

Name
Title
Date Department

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 health sector. Separate Regulations specify the important public services in the education, fire, transport and border security 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.

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