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.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2017 No. XXXX

TRADE UNIONS

The Important Public Services (Transport) 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 (Transport) 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.

Transport services

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

(a) any bus service which is a London local service as defined in section 179(1) of the Greater London Authority Act 1999(**c**);

(b) passenger railway services;

(c) civil air traffic control services provided by persons licensed by virtue of requirements in Commission Regulation (EU) 2015/340 laying down technical requirements and administrative procedures relating to air traffic controllers' licences and certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council,

(**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.
(**c**) 1999 c.29.

amending Commission Implementing Regulation (EU) No 923/2012 and repealing Commission Regulation (EU) No 805/2011(**a**);

(d) airport security services provided by workers at airports who—

(i) control access to a secure area of an airport;

(ii) screen persons entering a secure area;

(iii) screen items or vehicles entering a secure area;

(iv) search secure areas; or

(v) patrol secure areas;

(e) port security services provided by workers at ports who—

(i) control access to a restricted area of a port;

(ii) screen persons entering a restricted area;

(iii) screen items or vehicles entering a restricted area;

(iv) search restricted areas; or

(v) patrol restricted areas.

(2) In this regulation—

"heritage vehicle" means an historical or special type of railway vehicle exclusively or primarily used for tourist, educational or recreational purposes;

"network", "railway vehicle", "station services" and "train" have the meanings given by section 83 of the Railways Act 1993(**b**);

"passenger railway services" means any of the following—

(a) services for the carriage of passengers by railway or tramway;

(b) services for the maintenance of passenger trains or of the network;

(c) signalling or controlling the operation of the network;

(d) any station services that are essential to enable passenger trains to operate safely and securely;

but does not include any service for the carriage of passengers—

(i) using a heritage vehicle;

(ii) on a railway which the Office of Rail and Road(**c**) determines in accordance with regulation 2A(1) of the Railways and Other Guided Transport Systems (Safety) Regulations 2006(**d**) is a heritage, museum or tourist railway that operates on its own network; or

(iii) that starts or terminates outside Great Britain.

"railway" and "tramway" have the meanings given by section 67 of the Transport and Works Act 1992(**e**).

Name
Title
Date Department

(**a**) OJ No L 63, 20.02.15 p1.
(**b**) 1993 c.43.
(**c**) The Office of Rail and Road was established under section 15 of the Railways and Transport Safety Act 2003 (c.20). Section 15 was amended by S.I. 2015/1682, Schedule, Part 1, paragraph 2(b).
(**d**) S.I. 2006/599, amended by S.I. 2013/950, 2015/1682; there are other amending instruments but none is relevant.
(**e**) 1992 c.42.

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 transport sector. Separate Regulations specify the important public services in the health, education, fire, 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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£4.25

UK2016120213 12/2016 19585

http://www.legislation.gov.uk/id/ukdsi/2017/9780111151976

ISBN 978-0-11-115197-6

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