

**2017 No. 133**

**TRADE UNIONS**

**The Important Public Services (Education) 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 (Education) 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.

(3) In these Regulations “a further education institution”—

- (a) in relation to England and Wales, means an institution that provides further education as defined in section 2(3) of the Education Act 1996(c); and
- (b) in relation to Scotland, means a college of further education as defined in section 36(1) of the Further and Higher Education (Scotland) Act 1992(d).

**Education of those aged under 17**

**2.**—(1) Teaching and other services provided by teachers and persons appointed to fulfil the role of a head teacher or principal at—

- (a) a school other than a fee-paying school;
- (b) a 16-19 Academy; or
- (c) a further education institution other than one whose services to persons of compulsory school age are not publicly funded,

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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.

(c) 1996 c.56. There is an amendment to section 2(3) which is not relevant to these Regulations.

(d) 1992 c.37. There are amendments to section 36(1) which are not relevant to these Regulations.

are important public services for the purposes of section 226 of the Trade Union and Labour Relations (Consolidation) Act 1992.

(2) A school is a fee-paying school if a majority of the pupils at the school have fees for their attendance paid for them by individuals.

(3) A further education institution provides services to persons of compulsory school age which are not publicly funded if a majority of those persons have fees for their attendance paid for them by individuals.

(4) Paragraph (1) does not include services to persons who are not of compulsory school age.

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 education sector. Separate Regulations specify the important public services in the health, 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](http://www.legislation.gov.uk).

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