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DRAFT STATUTORY INSTRUMENTS

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**2004 No.**

**TERMS AND CONDITIONS OF EMPLOYMENT**

The Information and Consultation  
of Employees Regulations 2004

*Made* - - - - - 2005  
*Laid before Parliament* 2004  
*Coming into force* 6th April 2005

THE INFORMATION AND CONSULTATION  
OF EMPLOYEES REGULATIONS 2004

PART 1

*GENERAL*

1. Citation, commencement and extent
2. Interpretation
3. Application

PART II

*EMPLOYEE NUMBERS AND ENTITLEMENT TO DATA*

4. Calculation of number of employees
5. Entitlement to data
6. Complaint of failure to provide data

PART III

*NEGOTIATED AGREEMENTS*

7. Employee request to negotiate an agreement in respect of information and consultation
8. Pre-existing agreements: ballot for endorsement of employee request
9. Pre-existing agreements covering groups of undertakings
10. Complaint about ballot for endorsement of employee request
11. Employer notification of decision to initiate negotiations
12. Restrictions on employee request and employer notification

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Information and Consultation of Employees Regulations 2004* No. 3426

13. Dispute about employee request, employer notification or whether obligation in regulation 7(1) applies
14. Negotiations to reach an agreement
15. Complaints about election or appointment of negotiating representatives
16. Negotiated agreements
17. Complaints about ballot for employee approval of negotiated agreement

PART IV

*STANDARD INFORMATION AND CONSULTATION PROVISIONS*

18. Application of standard information and consultation provisions
19. Election of information and consultation representatives
20. Standard information and consultation provisions

PART V

*DUTY OF CO-OPERATION*

21. Co-operation

PART VI

*COMPLIANCE AND ENFORCEMENT*

22. Disputes about operation of a negotiated agreement or the standard information and consultation provisions
23. Penalties
24. Exclusivity of remedy

PART VII

*CONFIDENTIAL INFORMATION*

25. Breach of statutory duty
26. Withholding of information by the employer

PART VIII

*PROTECTIONS FOR INFORMATION AND CONSULTATION REPRESENTATIVES, ETC.*

27. Right to time off for information and consultation representatives, etc.
28. Right to remuneration for time off under regulation 27
29. Right to time off: complaint to tribunals
30. Unfair dismissal
31. Subsidiary provisions relating to unfair dismissal
32. Detriment
33. Detriment: enforcement and subsidiary provisions
34. Conciliation

PART IX

*MISCELLANEOUS*

35. CAC proceedings
36. Appeal Tribunal: location of certain proceedings under these Regulations

37. Appeal Tribunal: appeals from employment tribunals
38. ACAS
39. Restrictions on contracting out: general
40. Restrictions on contracting out: Part VIII
41. Amendments to the Employment Appeal Tribunal Rules 1993
42. Crown employment
43. Exception for merchant navy  
Signature

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#### SCHEDULE 1 — APPLICATION OF REGULATIONS

#### SCHEDULE 2 — REQUIREMENTS FOR BALLOTS HELD UNDER REGULATION 19

1. **Ballot arrangements**
2. The requirements referred to in paragraph 1 are that—
3. Any employee or an employees' representative who believes that the...
4. Where the CAC finds the complaint well-founded it shall make...
5. An order under paragraph 4 shall specify the modifications to...
6. A person is an independent ballot supervisor for the purposes...
7. For the purposes of paragraph 3 the arrangements for the...
8. **Conduct of the ballot**
9. A ballot supervisor's appointment shall require that he—
10. As soon as reasonably practicable after the date of the...
11. A ballot supervisor shall publish a report ("an ineffective ballot...
12. Where a ballot supervisor publishes an ineffective ballot report the...
13. A ballot supervisor must publish an ineffective ballot report in...
15. All costs relating to the holding of the ballot, including...

Explanatory Note