



# Trade Union Act 2016

## 2016 CHAPTER 15

### *Ballot thresholds for industrial action*

VALID FROM 01/03/2017

#### **2 Ballots: 50% turnout requirement**

- (1) In section 226 of the 1992 Act (requirement of ballot before action by trade union), in subsection (2)(a), after sub-paragraph (ii) insert—
  - “(iia) in which at least 50% of those who were entitled to vote in the ballot did so, and”.
- (2) Subsection (1) does not apply to any ballot opened before the day on which this section comes into force.

For this purpose a ballot is “opened” on the first day when a voting paper is sent to any person entitled to vote in the ballot.

#### **3 Ballots: 40% support requirement in important public services**

- (1) In section 226 of the 1992 Act, in subsection (2)(a)(iii), for “the majority voting in the ballot” substitute “ the required number of persons (see subsections (2A) to (2C)) ”.
- (2) After subsection (2) of that section insert—
  - “(2A) In all cases, the required number of persons for the purposes of subsection (2) (a)(iii) is the majority voting in the ballot.
  - (2B) There is an additional requirement where the majority of those who were entitled to vote in the ballot are at the relevant time normally engaged in the provision of important public services, unless at that time the union reasonably believes this not to be the case.
  - (2C) The additional requirement is that at least 40% of those who were entitled to vote in the ballot answered “Yes” to the question.

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*Status: Point in time view as at 05/12/2016. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Trade Union Act 2016, Cross Heading: Ballot thresholds for industrial action. (See end of Document for details)*

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(2D) In subsection (2B) “important public services” has the meaning given by regulations made by statutory instrument by the Secretary of State.

(2E) Regulations under subsection (2D) may specify only services that fall within any of the following categories—

- (a) health services;
- (b) education of those aged under 17;
- (c) fire services;
- (d) transport services;
- (e) decommissioning of nuclear installations and management of radioactive waste and spent fuel;
- (f) border security.

(2F) No regulations shall be made under subsection (2D) unless a draft of them has been laid before Parliament and approved by a resolution of each House of Parliament.”

(3) This section does not apply to any ballot opened before the day on which this section comes into force.

For this purpose a ballot is “opened” on the first day when a voting paper is sent to any person entitled to vote in the ballot.

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**Commencement Information**

**II** S. 3 in force at 5.12.2016 for specified purposes by [S.I. 2016/1170](#), [reg. 2\(a\)](#)

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