

Status: Point in time view as at 20/07/2023.

*Changes to legislation: There are currently no known outstanding effects for the
Strikes (Minimum Service Levels) Act 2023, PART 2. (See end of Document for details)*

SCHEDULE

MINIMUM SERVICE LEVELS FOR CERTAIN STRIKES

PART 2

RELATED AMENDMENTS TO THE 1992 ACT

- 3 The Trade Union and Labour Relations (Consolidation) Act 1992 is amended as follows.

Commencement Information

- 11** Sch. para. 3 in force at Royal Assent, see [s. 5](#)

- 4 In section 219 (which confers protection from certain tort liabilities), in subsection (4), for the words from “to”, in the first place it occurs, to “industrial action);” substitute “to—
- (a) sections 222 to 225 (action excluded from protection),
 - (b) section 226 (requirement of ballot before action by trade union),
 - (c) section 234A (requirement of notice to employer of industrial action), and
 - (d) section 234E (work notices: no protection if union fails to take reasonable steps);”.

Commencement Information

- 12** Sch. para. 4 in force at Royal Assent, see [s. 5](#)

- 5 In section 234A (notice to employers of industrial action), in subsection (3)—
- (a) omit the “and” at the end of paragraph (a), and
 - (b) at the end of paragraph (b) insert “and
 - (ba) if the industrial action relates to the provision of a relevant service, states whether the action intended to begin or take place on each date specified under paragraph (b) is a strike for the purposes of section [234C](#) (see section [234G\(2\)](#)).”

Commencement Information

- 13** Sch. para. 5 in force at Royal Assent, see [s. 5](#)

- 6 Before section 235 insert—

“Construction of references to contract of employment”

Commencement Information

- 14** Sch. para. 6 in force at Royal Assent, see [s. 5](#)

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- 7 In section 235 (construction of references to contract of employment), for the words from “to 234A” to “union)” substitute “to 234G”.

Commencement Information

I5 Sch. para. 7 in force at Royal Assent, see [s. 5](#)

- 8 (1) Section 238A (unfair dismissal: participation in official industrial action) is amended as follows.

- (2) In subsection (2) (circumstances in which employee who took protected industrial action is to be regarded as unfairly dismissed)—

- (a) omit the “and” at the end of paragraph (a), and
 (b) after paragraph (a) insert—

“(aa) where the protected industrial action was a strike relating to the provision of a relevant service, the employee—

- (i) was not an identified worker in relation to that strike, or
 (ii) was an identified worker in relation to that strike and did not take part in the strike except to an extent that complied with the work notice, and”.

- (3) For subsection (9) (meaning of “date of dismissal”) substitute—

“(9) In this section—

“date of dismissal” has the meaning given by section 238(5);

“identified worker”, in relation to a strike relating to the provision of a relevant service, means a person who—

- (a) is identified in a work notice given in accordance with section 234C relating to the strike, and
 (b) before any day on which the work notice requires the person to work, is given by the employer—
 (i) notice in writing of the work specified in the work notice as required to be carried out by the person on that day, and
 (ii) a statement that, under this section, the person is an identified worker in relation to the strike and must comply with the work notice;

“strike” has the same meaning as in section 234C (see section 234G(2)).”

Commencement Information

I6 Sch. para. 8 in force at Royal Assent, see [s. 5](#)

- 9 In section 246 (minor definitions), for “for the purposes of section 229(2)” substitute “where section 229(2A) applies (see that section and 234G(2))”.

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17 Sch. para. 9 in force at Royal Assent, see [s. 5](#)

- 10 In section 299 (index of defined expressions)—
- (a) in the entry relating to the meaning of “contract of employment” in sections 226 to 234, for “234” substitute “234G”;
 - (b) in the entry relating to the meaning of “not protected” in sections 222 to 226, after “226” insert “, 234A and 234E”;
 - (c) at the appropriate places in the list insert—

“minimum service regulations (in Part 5)	section 234G(1) ”
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“relevant service (in Part 5)	section 234G(1) ”
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“work notice (in Part 5)	section 234C(2) ”.
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Commencement Information

18 Sch. para. 10 in force at Royal Assent, see [s. 5](#)

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