

# Strikes (Minimum Service Levels) Bill

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AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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**The Schedule**

LORD BALFE

Page 3, line 28, after “transport services” insert “except for aviation”

LORD FOX

Page 3, line 31, at end insert—

- “(5) Levels of service set by regulations under subsection (1) may not exceed the lowest actual level of service for the relevant service recorded on any day of the 12 months before the regulations are laid.
- (6) Before making regulations under subsection (1) for the relevant service, the Secretary of State must lay before each House of Parliament a report showing that the condition in subsection (5) is met.”

***Member’s explanatory statement***

*This amendment would prevent the Secretary of State from specifying minimum service levels that were higher than the actual level of service recorded by the relevant service in the year before the new regulations are laid.*

Page 3, line 31, at end insert—

- “(5) Regulations made under this section in relation to strikes affecting services in an area for which an elected mayor is responsible may not be made without the consent of the elected mayor for that area.”

***Member’s explanatory statement***

*This amendment would require the consent of the relevant elected mayor before minimum service levels could be set in relation to an area for which an elected mayor was responsible.*

BARONESS RANDESON

Page 3, line 31, at end insert—

**“234BA Consultation with Devolved Administrations**

**The Schedule - continued**

- (1) Regulations which relate wholly or partly to Scotland may not be made unless a senior Minister of the Crown has consulted the Scottish Ministers.
- (2) Regulations which relate wholly or partly to Wales may not be made unless a senior Minister of the Crown has consulted the Welsh Ministers.
- (3) For the purposes of subsections (1) and (2), consultation means consultation with a view to reaching an agreement.”

***Member’s explanatory statement***

*This inserted section 234BA is designed to ensure that the Minister must consult the Scottish and Welsh ministers before regulations are made. Sections 234BA(1) and (2) are based on similar provisions in the Civil Contingencies Act 2004.*

LORD FOX

Page 6, line 6, at end insert –

**“234H Impact assessment of sections 234B to 234G**

- (1) The Secretary of State must conduct a review into the impact of sections 234B to 234G on services within each of the categories listed in section 234B(4), with regard to –
  - (a) recruitment of new staff,
  - (b) retention of existing staff, and
  - (c) the provision of adequate staffing levels in the long term.
- (2) The Secretary of State must lay a copy of the report under subsection (1) before each House of Parliament no later than six months after the day on which the Strikes (Minimum Service Levels) Act 2023 is passed.”

***Member’s explanatory statement***

*This amendment would require the Secretary of State to conduct a review into the impact of the Bill on recruiting staff, retaining staff and the provision of adequate staffing levels in the long term.*

**Clause 3**

LORD FOX

Page 1, line 16, leave out subsections (2) to (5) and insert –

- “(2) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

***Member’s explanatory statement***

*This amendment would remove the ability for the Secretary of State to make regulations that repeal primary legislation and would make all regulations made under this section subject to the affirmative procedure.*

LORD ALLAN OF HALLAM

Page 2, line 7, at end insert—

“(4A) Before making regulations under this section the Secretary of State must lay before each House of Parliament a statement outlining how the regulations are both necessary and proportionate.”

***Member’s explanatory statement***

*This amendment would require the Secretary of State to outline why regulations made under this section are necessary and proportionate before making them.*

BARONESS RANDESON

Page 2, line 9, leave out from “Act” to end of line 11 and insert “of Parliament.

- (6) This section does not apply to—
- (a) an Act or Measure of Senedd Cymru, or
  - (b) an Act of the Scottish Parliament.”

***Member’s explanatory statement***

*This amendment would mean that the power of United Kingdom Ministers to amend primary legislation does not apply to Acts of the Scottish Parliament or Senedd Cymru.*

**Clause 4**

BARONESS RANDESON

Page 2, line 13, leave out “and Wales and Scotland”

***Member’s explanatory statement***

*This amendment would limit the extent of this Act to England.*

**Clause 5**

LORD BALFE

Page 2, line 15, after first “on” insert “the day two years after”

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*22 February 2023*

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