STATUTORY INSTRUMENTS

2026 No. 1129

TRADE UNIONS

The Code of Practice (Access and Unfair Practices During the Recognition and Derecognition Process) Order 2026

Made - - - -	*26th October 2026*
Laid before Parliament	*27th October 2026*
Coming into force - -	*30th October 2026*

The Secretary of State makes this Order in exercise of the powers conferred by section 204(3) of the Trade Union and Labour Relations (Consolidation) Act 1992(**a**) ("the 1992 Act").

Under section 203(1)(a) of the 1992 Act, the Secretary of State may issue Codes of Practice containing such practical guidance as the Secretary of State thinks fit for the purpose of promoting the improvement of industrial relations.

Under section 203(2) of the 1992 Act, the Secretary of State may from time to time revise the whole or any part of a Code of Practice issued by the Secretary of State and issue that revised Code.

Under paragraphs 19L, 81F and 116G of Schedule A1 to the 1992 Act(**b**), the Secretary of State's power under section 203(1)(a) of that Act includes power to issue Codes of Practice about any matters relating to requests for access for the purposes of, respectively, paragraphs 19G(2), 81A(2) and 116A(2) of that Schedule.

Under paragraphs 19M(6), 81G(6) and 116H(7) of Schedule A1 to the 1992 Act(**c**), the Secretary of State's power under section 203(1)(a) of that Act includes power to issue Codes of Practice about unfair practices for the purposes of, respectively, paragraphs 19M, 81G and 116H of that Schedule.

(**a**) 1992 c. 52.
(**b**) Schedule A1 was inserted by section 1 of the Employment Relations Act 1999 (c. 26). Paragraphs 19G(2) and 19L are inserted by paragraph 9 of Schedule 6 to the Employment Rights Act 2025 (c. 36) ("the 2025 Act"); paragraphs 81A(2) and 81F are inserted by paragraph 40 of that Schedule; and paragraphs 116A(2) and 116G are inserted by paragraph 47 of that Schedule.
(**c**) Paragraphs 19M, 81G and 116H are inserted, respectively, by paragraphs 10, 41 and 48 of Schedule 6 to the 2025 Act.

In pursuance of section 203(1)(a) and (2) of the 1992 Act, the Secretary of State proposed to revise the whole of the Code of Practice on Access and Unfair Practices during Recognition and Derecognition Ballots which came into effect on 1st October 2005(**a**).

In pursuance of section 204(1) of the 1992 Act, the Secretary of State, after consultation with the Advisory, Conciliation and Arbitration Service, prepared and published the draft Code of Practice on Access and Unfair Practices During the Recognition and Derecognition Process.

In pursuance of section 204(1) of the 1992 Act, the Secretary of State considered representations made to the Secretary of State about the draft Code of Practice on Access and Unfair Practices During the Recognition and Derecognition Process and modified the draft accordingly.

In pursuance of section 204(2) of the 1992 Act, the Secretary of State laid the draft Code of Practice on Access and Unfair Practices During the Recognition and Derecognition Process with the title "Code of Practice: Access and Unfair Practices During the Recognition and Derecognition Process" before both Houses of Parliament, the draft was approved by resolution of each House of Parliament and the Secretary of State is issuing the Code of Practice on Access and Unfair Practices During the Recognition and Derecognition Process in the form of that draft.

Citation, commencement, extent and interpretation

1.—(1) This Order may be cited as the Code of Practice (Access and Unfair Practices During the Recognition and Derecognition Process) Order 2026 and comes into force on 30th October 2026.

(2) This Order extends to England and Wales and Scotland.

(3) In this Order—

"the 1992 Act" means the Trade Union and Labour Relations (Consolidation) Act 1992(**b**)

"the Code of Practice on Access and Unfair Practices During the Recognition and Derecognition Process" means the Code of Practice on Access and Unfair Practices During the Recognition and Derecognition Process issued by the Secretary of State pursuant to section 203 of the 1992 Act which was laid in draft before each House of Parliament on 6th July 2026 and approved by a resolution of the House of Commons on 21st October 2026 and of the House of Lords on 14th October 2026.

Appointed day for Code of Practice

2. The Code of Practice on Access and Unfair Practices During the Recognition and Derecognition Process comes into effect on 30th October 2026.

Transitional and saving provisions

3.—(1) The Code of Practice on Access and Unfair Practices During the Recognition and Derecognition Process is not to have effect in respect of an application under the following paragraphs of Schedule A1 to the 1992 Act received by the Central Arbitration Committee(**c**) before 30th October 2026—

(**a**) The Code of Practice on Access and Unfair Practices during Recognition and Derecognition Ballots was brought into effect by S.I. 2005/2421.

(**b**) 1992 c. 52.

(**c**) Section 259 of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52) makes provision in relation to the Central Arbitration Committee.

(a) paragraph 11 or 12 (application in the event that employer rejects request for recognition or negotiations fail);

(b) paragraph 66 or 75 (application where either party believes bargaining unit is no longer appropriate, or where employer believes that unit has ceased to exist);

(c) paragraph 106, 107 or 112 (application related to employer's request to end bargaining arrangements, or workers' application to end arrangements);

(d) paragraph 128 (application related to employer's request to end bargaining arrangements where recognition automatic);

(e) paragraph 137 (workers' application to end bargaining arrangements where the union is not independent).

(2) Where the Code of Practice described in article 2 is not to have effect under paragraph (1), the Code of Practice on Access and Unfair Practices during Recognition and Derecognition Ballots which came into effect on 1st October 2005 is to continue to have effect.

Kate Dearden
Minister of State
26th October 2026 Department for Business, Innovation, Science and Trade

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into effect, on 30th October 2026, the Code of Practice issued by the Secretary of State under sections 203(1) and 204(2) of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52) ("the 1992 Act") on Access and Unfair Practices During the Recognition and Derecognition Process ("the Code of Practice on Access and Unfair Practices During the Recognition and Derecognition Process"), which revises and supersedes the Code of Practice on Access and Unfair Practices during Recognition and Derecognition Ballots, which came into effect on 1 October 2005. Article 3 makes transitional and saving provisions in relation to its coming into effect.

The Code of Practice on Access and Unfair Practices During the Recognition and Derecognition Process provides practical guidance for the purpose of promoting the improvement of industrial relations, where a party makes an application under Schedule A1 of the 1992 Act. It is available at www.gov.uk/government/publications/code-of-practice-access-and-unfair-practices-during-the-recognition-and-derecognition-process. A copy may also be inspected by contacting the Department for Business, Innovation, Science and Trade, Old Admiralty Building, Admiralty Place, London SW1A 2DY.

A full impact assessment has not been produced for this instrument or the Code of Practice on Access and Unfair Practices During the Recognition and Derecognition Process as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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