STATUTORY INSTRUMENTS

2026 No. 880

TRADE UNIONS

The Code of Practice (Electronic and Workplace Balloting for Statutory Trade Union Ballots) Order 2026

Made - - - -	*28th July 2026*
Laid before Parliament	*29th July 2026*
Coming into force - -	*25th August 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) of the 1992 Act(**b**), the Secretary of State may issue Codes of Practice containing such practical guidance as the Secretary of State thinks fit for the purposes of promoting the improvement of industrial relations and of promoting what appear to the Secretary of State to be desirable practices in relation to the conduct by trade unions of ballots and elections.

Under section 203(1) of the 1992 Act, the Secretary of State proposed to issue a Code of Practice on Electronic and Workplace Balloting for Statutory Trade Union Ballots ("the Code of Practice on Electronic and Workplace Balloting").

Under section 204(1) of the 1992 Act, the Secretary of State, after consultation with the Advisory, Conciliation and Arbitration Service, prepared and published a draft of the Code of Practice on Electronic and Workplace Balloting.

Under section 204(1) of the 1992 Act, the Secretary of State considered representations made about the draft of the Code of Practice on Electronic and Workplace Balloting and modified the draft accordingly.

Under section 204(2) of the 1992 Act, the Secretary of State laid the draft of the Code of Practice on Electronic and Workplace Balloting 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 Electronic and Workplace Balloting in the form of that draft.

(**a**) 1992 c. 52.
(**b**) Section 203(1)(b) was amended by section 43(7) of the Employment Act 2002 (c. 22).

Citation, commencement, extent and interpretation

1.—(1) This Order may be cited as the Code of Practice (Electronic and Workplace Balloting for Statutory Trade Union Ballots) Order 2026.

(2) This Order comes into force on 25th August 2026.

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

(4) In this Order—

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

"the Code of Practice" means the Code of Practice on Electronic and Workplace Balloting for Statutory Trade Union Ballots issued by the Secretary of State under sections 203(1) and 204(2) of the 1992 Act which was laid in draft before both Houses of Parliament on 22nd June 2026(**b**) and approved by a resolution of the House of Commons on 15th July 2026 and approved by a resolution of the House of Lords on 22nd July 2026.

Appointed day for the Code of Practice

2. The Code of Practice comes into effect on 25th August 2026.

Transitional provision

3.—(1) The Code of Practice does not apply to—

(a) a ballot or election in relation to which, before the appointed day, a scrutineer has been appointed;

(b) a ballot held under section 73(1) (political resolution) of the 1992 Act(**c**) in relation to which, before the appointed day, political ballot rules have been submitted to the Certification Officer for approval in accordance with section 74(1) of that Act;

(c) a ballot held under section 97(1)(b) (amalgamation) or section 97(2)(b) (transfer of engagements) of the 1992 Act(**d**) in relation to which, before the appointed day, the instrument of amalgamation or transfer has been submitted to the Certification Officer for approval in accordance with section 98(1) of that Act(**e**);

(d) a ballot held under section 226(1)(a) (industrial action) of the 1992 Act(**f**) in relation to which, before the appointed day, the trade union has given the employer notice in accordance with section 226A(1) of that Act(**g**).

(2) In this article, "the appointed day" means the date referred to in article 2.

(**a**) 1992 c. 52.

(**b**) The code was laid in draft as an unnumbered Act Paper. The title of the code stated on the cover page and title page to the Act Paper was "Code of Practice on Electronic and Workplace Ballots for Statutory Trade Union Ballots".

(**c**) Section 73(1) was amended by S.I. 2026/881.

(**d**) Sections 97(1)(b) and (2)(b) were amended by paragraph 52 of Schedule 8 to the Trade Union Reform and Employment Rights Act 1993 (c. 19) and S.I. 2026/881.

(**e**) Section 98(1) was amended by paragraph 53 of Schedule 8 to the Trade Union Reform and Employment Rights Act 1993 (c. 19).

(**f**) Section 226(1) was amended by section 18 of, and paragraph 73 of Schedule 8 to, the Trade Union Reform and Employment Rights Act 1993 (c. 19).

(**g**) Section 226A was inserted by section 18 of the Trade Union Reform and Employment Rights Act 1993 (c. 19). Section 226A(1) was amended by section 22 of the Employment Relations Act 2004 (c. 24) and S.I. 2026/881.

Jonathan Reynolds
Secretary of State
28th July 2026 Department for Business, Innovation, Science and Trade

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints 25th August 2026 as the day upon which the Code of Practice on Electronic and Workplace Balloting for Statutory Trade Union Ballots (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)) comes into effect. The Code of Practice is intended to support the implementation of the Trade Unions (Permissible Means of Voting) and Employment Rights (Unfair Dismissal) (Amendment) Order 2026.

Article 3 of this Order provides that the Code of Practice does not apply where certain actions have been taken in respect of a ballot or election before 25th August 2026 ("the appointed day"). This matches the provision made in the Trade Unions (Permissible Means of Voting) and Employment Rights (Unfair Dismissal) (Amendment) Order 2026 for the application of that Order to ballots and elections.

The Code of Practice on Electronic and Workplace Balloting for Statutory Trade Union Ballots is available at https://www.gov.uk/government/publications/electronic-and-workplace-balloting-code-of-practice. 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 Order or the Code of Practice as no, or no significant, impact on the private, voluntary or public sector is foreseen. A de minimis assessment has been produced in relation to the Trade Unions (Permissible Means of Voting) and Employment Rights (Unfair Dismissal) (Amendment) Order 2026, which is available at https://www.gov.uk/government/consultations/make-work-pay-draft-code-of-practice-on-electronic-and-workplace-balloting-for-statutory-union-ballots. A copy is also available from the Department for Business, Innovation, Science and Trade, Old Admiralty Building, Admiralty Place, London, SW1A 2DY.

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