STATUTORY INSTRUMENTS

2026 No. 220

TRADE UNIONS

The Code of Practice (Industrial Action Ballots and Notice to Employers) Order 2026

Made - - - - 4th March 2026

The Secretary of State makes this Order in exercise of the powers conferred by section 205(4) of the Trade Union and Labour Relations (Consolidation) Act 1992(**a**) ("the 1992 Act").

In accordance with section 205(1) of the 1992 Act, the Secretary of State proposed to revise the Code of Practice on Industrial Action Ballots and Notice to Employers which first came into operation on 11th April 1990(**b**), for the purpose of bringing it into conformity with subsequent statutory provisions by the making of consequential amendments and the omission of obsolete passages.

In accordance with section 205(2) of the 1992 Act, the Secretary of State laid before each House of Parliament a draft of the revised Code of Practice on Industrial Action Ballots and Notice to Employers. Neither House of Parliament resolved within the period of 40 days beginning with the day on which the draft was laid that no further proceedings should be taken on the draft revised Code of Practice on Industrial Action Ballots and Notice to Employers.

In accordance with section 205(4) of the 1992 Act, the Secretary of State has issued the revised Code of Practice on Industrial Action Ballots and Notice to Employers in the form of that draft.

Citation, extent and interpretation

1.—(1) This Order may be cited as the Code of Practice (Industrial Action Ballots and Notice to Employers) Order 2026.

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

(3) In this Order, "the revised Code of Practice on Industrial Action Ballots and Notice to Employers" means the revised Code of Practice on Industrial Action Ballots and Notice to Employers issued by the Secretary of State which was laid in draft before each House of Parliament on 7th January 2026.

(**a**) 1992 c. 52.
(**b**) The Code of Practice on Industrial Action Ballots and Notice to Employers came into operation by S.I. 1990/601. Revised versions of the Code were subsequently brought into effect by S.I. 1991/989, S.I. 1995/2729, S.I. 2000/2241, S.I. 2005/2420 and S.I. 2017/233.

Appointed day for the Code of Practice

2. The revised Code of Practice on Industrial Action Ballots and Notice to Employers(**a**) comes into effect on 5th March 2026.

Transitional and saving provisions

3.—(1) The revised Code of Practice on Industrial Action Ballots and Notice to Employers does not apply—

(a) to the extent that it is relevant to a question arising in proceedings relating to section 226 (requirement of ballot before action by trade union)(**b**), section 229 (voting paper)(**c**), section 231 (information as to result of ballot)(**d**) or section 234 (period after which ballot ceases to be effective)(**e**) of the 1992 Act, to a ballot opened before the appointed day;

(b) to the extent that it is relevant to a question arising in proceedings relating to section 226A(1)(b) (sample voting paper for employers)(**f**) or section 229 of the 1992 Act, to a ballot where, before 18th February 2026, the trade union(**g**) had complied with section 226A as it had effect before that date in respect of the sample voting paper (specified in subsection (2F) of that section) for that ballot;

(c) to the extent that it is relevant to a question arising in proceedings relating to section 234A of the 1992 Act (notice to employers of industrial action)(**h**), to any industrial action in relation to which the employer(**i**) receives a relevant notice before the appointed day.

(2) In this article—

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

"the appointed day" means 5th March 2026;

"relevant notice" has the same meaning as in section 234A(3) of the 1992 Act.

(3) For the purposes of this article, a ballot is "opened" on the first day when a voting paper is sent to any person entitled to vote in the ballot.

(**a**) The Code of Practice on Industrial Action Ballots and Notice to Employers is available on the gov.uk website at https://www.gov.uk/government/publications/code-of-practice-industrial-action-ballots-and-notice-to-employers--2. A copy may also be inspected by contacting the Department for Business and Trade, Old Admiralty Building, Admiralty Place, London SW1A 2DY.

(**b**) Section 226 was amended by the Trade Union Reform and Employment Rights Act 1993 (c. 19), sections 18 and 49 and paragraph 73 of Schedule 8; the Employment Relations Act 1999 (c. 26), sections 4 and 44, paragraphs 1 and 2 of Schedule 3 and Schedule 9; the Trade Union Act 2016 (c. 15), sections 2, 3 and 22 and paragraph 12 of Schedule 4; the Trade Union (Wales) Act 2017 (anaw 4), section 1; and the Employment Rights Act 2025 (c. 36), section 69.

(**c**) Section 229 was amended by the Trade Union Reform and Employment Rights Act 1993 (c. 19), sections 20 and 49 and paragraph 25 of Schedule 7; the Employment Relations Act 1999 (c. 26), section 4 and paragraphs 1 and 6 of Schedule 3; the Employment Relations Act 2004 (c. 24), section 57 and paragraph 13 of Schedule 1; the Trade Union Act 2016 (c. 15), section 5; and the Employment Rights Act 2025 (c. 36), sections 71 and 77.

(**d**) Section 231 was amended by section 6 of the Trade Union Act 2016 (c. 15) and section 69 of the Employment Rights Act 2025 (c. 36).

(**e**) Section 234 was amended by sections 9 and 22 of, and paragraph 14 of Schedule 4 to, the Trade Union Act 2016 (c. 15) and section 72 of the Employment Rights Act 2025 (c. 36).

(**f**) Section 226A was inserted into the Trade Union and Labour Relations (Consolidation) Act 1992 by section 18(2) of the Trade Union Reform and Employment Rights Act 1993 (c. 19). Section 226A was amended by sections 22 and 57 of, and Schedule 2 to, the Employment Relations Act 2004 (c. 24) and section 70 of the Employment Rights Act 2025 (c. 36).

(**g**) "Trade union" is defined in section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52).

(**h**) Section 234A was inserted into the Trade Union and Labour Relations (Consolidation) Act 1992 by section 21 of the Trade Union Reform and Employment Rights Act 1993 (c. 19). Section 234A was amended by the Employment Relations Act 1999 (c. 26), sections 4 and 44, paragraphs 1 and 11 of Schedule 3 and Schedule 9; the Employment Relations Act 2004 (c. 24), sections 25 and 57 and Schedule 2; the Trade Union Act 2016 (c. 15), section 8; the Strikes (Minimum Service Levels) Act 2023 (c. 39), section 1 and paragraphs 1 and 5 of the Schedule; and the Employment Rights Act 2025 (c. 36), sections 74 and 78.

(**i**) "Employer" is defined in section 296(2) of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52).

Kate Dearden
Parliamentary Under-Secretary of State
Department for Business and Trade

4th March 2026

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints 5th March 2026 as the day upon which the revised Code of Practice on Industrial Action Ballots and Notice to Employers, which has been issued by the Secretary of State under section 205(4) of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52) ("the 1992 Act"), will come into effect. Article 3 makes transitional and saving provisions in relation to its coming into effect.

The Code of Practice on Industrial Action Ballots and Notice to Employers has been revised for the purpose of bringing it into conformity with amendments made by the Employment Rights Act 2025 (c. 36) ("the 2025 Act") to section 226 (Requirement of ballot before action by trade union), section 226A (Notice of ballot and sample voting paper for employers), section 229 (Voting paper), section 231 (Information as to result of ballot), section 234 (Period after which ballot ceases to be effective) and section 234A (Notice to employers of industrial action) of the 1992 Act. Those amendments came into force on 18 February 2026 subject to transitional and saving provisions in the Employment Rights Act 2025 (Commencement No. 1 and Transitional and Saving Provisions) Regulations 2026 (S.I. 2026/3).

A full impact assessment has not been prepared for this Order or for the revised Code of Practice on Industrial Action Ballots and Notice to Employers because the revision of the Code of Practice on Industrial Action Ballots and Notice to Employers is consequential on the amendments made by the 2025 Act. The impacts of the 2025 Act on trade unions and other relevant bodies have been considered in the impact assessment produced in relation to the 2025 Act, which is available at https://bills.parliament.uk/bills/3737/publications. A copy may also be inspected by contacting the Department for Business and Trade, Old Admiralty Building, Admiralty Place, London SW1A 2DY.

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