This draft Statutory Instrument supersedes the draft of the same title which was laid before Parliament and published on 15th January 2026 (ISBN 978-0-348-27853-8). It is being issued free of charge to all known recipients of that draft Statutory Instrument.

Draft Regulations laid before Parliament under section 154(4) and 156(6)(a) of the Employment Rights Act 2025 (c. 36), for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2026 No.

EMPLOYMENT

INVESTIGATORY POWERS

The Employment Rights Act 2025 (Investigatory Powers) (Consequential Amendments) Regulations 2026

Made - - - - ***

Coming into force in accordance with regulation 1(2)

The Secretary of State makes these Regulations in exercise of the powers conferred by section 154(1) and (2) of the Employment Rights Act 2025(**a**).

In accordance with sections 154(4) and 156(6)(a) of the Employment Rights Act 2025, a draft of these Regulations was laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Employment Rights Act 2025 (Investigatory Powers) (Consequential Amendments) Regulations 2026.

(2) These Regulations come into force on whichever is the later of—

(a) 7th April 2026;

(b) the day after the day on which they are made.

(3) These Regulations extend to England and Wales, Scotland and Northern Ireland.

(**a**) 2025 c. 36.

Amendment of Schedule 4 to the Investigatory Powers Act 2016

2.—(1) The table in Part 1 of Schedule 4 to the Investigatory Powers Act 2016 (relevant public authorities and designated senior officers etc.)(**a**) is amended as follows.

(2) After the entry for the Department for Business and Trade, so far as relating to the Insolvency Service, insert—

"Department for Business and Trade, so far as relating to the Fair Work Agency	60A(7)(b)	Grade 7	All	61A(7)(a)"

Name
Title
Date Department for Business and Trade

(**a**) 2016 c. 25. The table in Part 1 of Schedule 4 was substituted by S.I. 2018/1123 and was amended by S.I. 2025/808 and paragraph 88(2) of Schedule 10 to the Employment Rights Act 2025. There are other amendments to Schedule 4, but none is relevant.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make an amendment that is consequential on section 148 of the Employment Rights Act 2025 (c. 36) ("the 2025 Act").

Section 148 of the 2025 Act abolishes the Gangmasters and Labour Abuse Authority ("the GLAA") and omits section 1 of the Gangmasters (Licensing) Act 2004 (c. 11). The functions of the GLAA will be transferred to the Secretary of State and carried out by the Fair Work Agency, which will be an executive agency of the Department for Business and Trade.

The GLAA was specified as a relevant public authority in the table in Part 1 of Schedule 4 to the Investigatory Powers Act 2016 (c. 25) ("the 2016 Act"). Schedule 4 specified the conditions under which the GLAA could be authorised to obtain communications data under section 60A or 61A of the 2016 Act. Regulation 2 makes a consequential amendment to Schedule 4 to ensure that enforcement officers of the Fair Work Agency have access to the same investigatory powers as enforcement officers of the GLAA had for carrying out the same enforcement functions.

The Secretary of State has consulted the Investigatory Powers Commissioner before making these Regulations.

An impact assessment has not been produced for these Regulations as no, or no significant, impact on the private, voluntary or public sectors is foreseen. The impact assessments for the Employment Rights Bill, introduced to Parliament on 10th October 2024, contain an assessment of the effect that the reforms to employment law and industrial relations law will have on the costs of business, the voluntary sector and the public sector. They are available at: https://bills.parliament.uk/bills/3737/publications. Printed copies can be obtained from the Department for Business and Trade, Old Admiralty Building, Admiralty Place, London SW1A 2DY.

© Crown Copyright 2026

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament.

ISBN 978-0-34-827885-9

£6.40

http://www.legislation.gov.uk/id/ukdsi/2026/9780348278859