Draft Order laid before the Scottish Parliament under section 41(2)(a) of the Employment Tribunals Act 1996 (c. 17), for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2026 No.

EMPLOYMENT TRIBUNALS

The Employment Tribunals Extension of Jurisdiction (Amendment) (Scotland) Order 2026

Made - - - -	*2026*
Coming into force - -	*9th November 2026*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 3, 8(3) and 41(4) of the Employment Tribunals Act 1996(**a**) and all other powers enabling them to do so.

In accordance with the requirements of article 2 of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999(**b**), as read with schedule 1 of the Order, the Scottish Ministers have obtained the agreement of the Secretary of State to the making of this Order.

In accordance with section 41(2)(a) of the Employment Tribunals Act 1996, a draft of this Order has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. This Order may be cited as the Employment Tribunals Extension of Jurisdiction (Amendment) (Scotland) Order 2026 and comes into force on 9 November 2026.

Amendment of the Employment Tribunals (Extension of Jurisdiction) (Scotland) Order 1994

2.—(1) The Employment Tribunals Extension of Jurisdiction (Scotland) Order 1994(**c**) is amended in accordance with paragraph (2).

(2) In article 7(a) and (b) (time within which proceedings may be brought) for "three" substitute "six".

(**a**) 1996 c. 17. Section 3(1) and (4) was substituted, partially, by section 1(2)(a) and (b) of the Employment Rights (Dispute Resolution) Act 1998 (c. 8). The function under section 3 of the Employment Tribunals Act 1996 was transferred from the Lord Advocate to the Secretary of State by article 2 of the Transfer of Functions (Lord Advocate and Secretary of State) Order 1999 (S.I. 1999/678). The function of the Secretary of State under section 3 was transferred to the Scottish Ministers by article 2 of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I. 1999/1750). The powers to make these Regulations are exercised together by virtue of section 33(2) of the Interpretation and Legislative Reform (Scotland) Act 2010. These Regulations are subject to the affirmative procedure by virtue of section 33(3) of that Act.

(**b**) S.I. 1999/1750.

(**c**) S.I. 1994/1624, which was relevantly amended by S.I. 2011/1133 and S.I. 2019/469.

Transitional provision

3.—(1) The amendments made by article 2 apply where—

(a) the effective date of termination of the contract giving rise to the claim occurs on or after 9 November 2026, or

(b) there is no effective date of termination and the last day on which the employee worked in the employment which has been terminated occurs on or after 9 November 2026.

(2) In this article, "the effective date of termination"—

(a) in relation to an employee whose contract of employment is terminated by notice, whether given by their employer or by the employee, means the date on which the notice expires,

(b) in relation to an employee whose contract of employment is terminated without notice, means the date on which the termination takes effect, and

(c) in relation to an employee who is employed under a limited-term contract which terminates by virtue of the limiting event without being renewed under the same contract, means the date on which the termination takes effect.

Name
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
Date

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Employment Tribunals Extension of Jurisdiction (Scotland) Order 1994 ("the 1994 Order"). Article 2 amends article 7 of the 1994 Order to extend the time limit for bringing proceedings before an employment tribunal in Scotland, in respect of employees' contract of employment claims, from three months to six months. Employees' contract of employment claims include claims for breach of a contract of employment, or for a sum due under such a contract, where the claim arises or is outstanding on the termination of the employment.

Article 3 defines "the effective date of termination" and makes transitional provision so that the amendments apply only where the effective date of termination of the contract of employment giving rise to the claim – or, where there is no effective date of termination, the last day on which the employee worked in the employment which has terminated – occurs on or after 9 November 2026.

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Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, the King's Printer for Scotland.

ISBN 978-0-11-106674-4

£6.40

http://www.legislation.gov.uk/id/sdsi/2026/9780111066744

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