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

DRAFT STATUTORY INSTRUMENTS

2026 No. ****

EMPLOYMENT TRIBUNALS, ENGLAND AND WALES

The Employment Tribunals Extension of Jurisdiction (England and Wales) (Amendment) Order 2026

Made - - - -	***
Coming into force - -	*1st October 2026*

The Lord Chancellor makes this Order in exercise of the powers conferred by sections 3, 8(3) and 41(4) of the Employment Tribunals Act 1996(**a**).

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

Citation, commencement, extent and interpretation

1.—(1) This Order may be cited as the Employment Tribunals Extension of Jurisdiction (England and Wales) (Amendment) Order 2026.

(2) This Order comes into force on 1st October 2026.

(3) This Order extends to England and Wales.

(4) In this Order, "the 1994 Order" means the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994(**c**).

Amendments to the 1994 Order

2. In article 7 of the 1994 Order (time within which proceedings may be brought), in paragraphs (a) and (b), for "three" substitute "six".

Transitional Provisions

3.—(1) In this article, "the effective date of termination"—

(**a**) 1996 c. 17. See section 3(5) of this Act for the definition of "appropriate Minister" for England and Wales. Words in section 3(1) and (4) substituted by section 1(2)(a) and (b) of the Employment Rights (Dispute Resolution) Act 1998 (c. 8).

(**b**) Amended by paragraph 25(3) of Schedule 5 to the Judicial Review and Courts Act 2022 (c. 35).

(**c**) S.I. 1994/1623, amended by S.I. 2004/752, 2011/1133, 2014/431 and 2019/469 (amended by S.I. 2020/1493) and by section 1(2)(a) and (b) of the Employment Rights (Dispute Resolution) Act 1998 (c. 8).

(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.

(2) 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 1st October 2026, or

(b) there is no effective date of termination and the last day upon which the employee worked in the employment which has terminated occurs on or after 1st October 2026.

Signed by authority of the Lord Chancellor

Name
Minister of State
Ministry of Justice

Date

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994 to extend the time limit for presenting complaints to an employment tribunal, in respect of employees' contract of employment claims, from three months to six months.

Article 3 defines the "effective date of termination" and makes transitional provision so that the amendments made 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 upon which the employee worked in the employment which has terminated - occurs on or after 1 October 2026.

A full impact assessment, which outlines the effect that extending time limits in the Employment Tribunals will have on the costs to businesses, stakeholders, and households, is available as part of the impact assessments for the Employment Rights Act 2025 and related secondary legislation on www.gov.uk/guidance/employment-rights-bill-impact-assessments and from the Department for Business and Trade, Old Admiralty Building, Admiralty Place, London, SW1A 2DY.

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ISBN 978-0-34-828283-2

£6.40

http://www.legislation.gov.uk/id/ukdsi/2026/9780348282832

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