*Draft Order laid before Parliament under section 207A(9) of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), for approval by resolution of each House of Parliament.*

DRAFT STATUTORY INSTRUMENTS

# 2024 No.

# TERMS AND CONDITIONS OF EMPLOYMENT

## The Trade Union and Labour Relations (Consolidation) Act 1992 (Amendment of Schedule A2) Order 2024

| | |
|---|---|
| *Made - - - -* | *** |
| *Coming into force - -* | *20th January 2025* |

The Secretary of State makes this Order in exercise of the power conferred by section 207A(6) of the Trade Union and Labour Relations (Consolidation) Act 1992(**a**).

In accordance with section 207A(9) of that Act, a draft of this Order was laid before Parliament and approved by a resolution of each House of Parliament.

**Citation, commencement and extent**

**1.**—(1) This Order may be cited as the Trade Union and Labour Relations (Consolidation) Act 1992 (Amendment of Schedule A2) Order 2024 and comes into force on 20th January 2025.

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

**Amendment of Schedule A2 to the Trade Union and Labour Relations (Consolidation) Act 1992**

**2.** In Schedule A2 to the Trade Union and Labour Relations (Consolidation) Act 1992(**b**) (tribunal jurisdictions to which section 207A applies), after the entry for section 146 insert—

"Section 189 of this Act (failure to follow consultation requirements)".

*Name*
Title
Department for Business and Trade

Date

(**a**) 1992 c. 52.
(**b**) Schedule A2 was inserted into the Trade Union and Labour Relations (Consolidation) Act 1992 by section 3 of the Employment Act 2008 (c. 24).

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends Schedule A2 to the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52) ("the Act").

Schedule A2 to the Act lists the tribunal jurisdictions to which section 207A of the Act (Effect of failure to comply with Code: adjustment of awards) applies. Where section 207A of the Act applies, and where it appears to the employment tribunal that a relevant Code of Practice applies and that the employer has unreasonably failed to comply with it, the employment tribunal may increase any award it makes to the employee by no more than 25%. The employee's award may be reduced by no more than 25% where it is the employee who has unreasonably failed to comply with the relevant Code of Practice. A relevant Code of Practice is one which relates exclusively or primarily to procedure for the resolution of disputes.

Article 2 of this Order adds section 189 of the Act (failure to follow consultation requirements) to the list of tribunal jurisdictions to which section 207A of the Act applies.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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