STATUTORY INSTRUMENTS

2026 No. 1077

EMPLOYMENT TRIBUNALS

The Employment Appeal Tribunal (Amendment) (No. 2) Rules 2026

Made - - - -	*12th October 2026*
Laid before Parliament	*13th October 2026*
Coming into force - -	*3rd November 2026*

The Lord Chancellor makes these Rules in exercise of the powers conferred by section 30(1) and (2) of the Employment Tribunals Act 1996(**a**).

The Lord Chancellor has consulted the Lord President of the Court of Session in accordance with section 30(1) of that Act before making these Rules.

Citation, commencement and extent

1.—(1) These Rules may be cited as the Employment Appeal Tribunal (Amendment) (No. 2) Rules 2026 and come into force on the 21st day after the day on which they are laid before Parliament.

(2) These Rules extend to England and Wales and Scotland.

Amendments to the Employment Appeal Tribunal Rules 1993

2.—(1) The Employment Appeal Tribunal Rules 1993(**b**) are amended as follows.

(2) In rule 3 (institution of appeal)—

(a) in paragraph (1)(d)—

(i) after "pursuant to" insert "section 70ZM(1) or (2) of the 1992 Act or";

(ii) before "declaration", in both places it occurs, insert "determination,";

(b) in paragraph (3)(d)—

(i) before "declaration", in both places it occurs, insert "determination,";

(ii) after "the CAC under" insert "section 70ZM(1) or (2) of the 1992 Act or".

(**a**) 1996 c. 17; section 30 was amended by section 1(2)(a) of the Employment Rights (Dispute Resolution) Act 1998 (c. 8), paragraph 5 of Schedule 8 to the Employment Relations Act 1999 (c. 26), paragraph 26 of Schedule 1 to the Employment Relations Act 2004 (c. 24), paragraph 48 of Schedule 8 to the Tribunals, Courts and Enforcement Act 2007 (c. 15), paragraph 13 of Schedule 14 to the Crime and Courts Act 2013 (c. 22), section 12(3) of the Enterprise and Regulatory Reform Act 2013 (c. 24) and S.I. 1999/3323. Section 30 is to be substituted by section 34(3) of the Judicial Review and Courts Act 2022 (c. 35), which is not yet in force.

(**b**) S.I. 1993/2854, amended by S.I. 2001/1128, 2004/2526, 2004/3426, 2007/2974, 2019/348 and 2023/967. There are other amending instruments but none are relevant.

(3) In rule 4(1)(e) (service of notice of appeal), after "the CAC under" insert "section 70ZM(1) or (2) of the 1992 Act or".

(4) In rule 5(c) (respondents to appeals)—

(a) after "pursuant to" insert "section 70ZM(1) or (2) of the 1992 Act or";

(b) after "from a" insert "determination,".

(5) In rule 6(2) (respondent's answer and notice of cross-appeal), after "decision," insert "determination,".

(6) In rule 7(1)(e) (disposal of appeal)—

(a) after "from a" insert "determination,";

(b) after "the CAC under" insert "section 70ZM(1) or (2) of the 1992 Act or".

(7) In rule 31(d) (drawing up, reasons for, and enforcement of orders), after "made under" insert "section 70ZM(1) or (2) of the 1992 Act or".

(8) In the Schedule, in Form 1A—

(a) in the heading, after "pursuant to" insert "section 70ZM(1) or (2) of the Trade Union and Labour Relations (Consolidation) Act 1992,";

(b) in paragraph 3, after "decision," insert "determination,";

(c) in paragraph 5, after "decision," insert "determination,";

(d) in paragraph 6, after "law" insert "or erred in making the order under section 70ZI(5)(b) of the Trade Union and Labour Relations (Consolidation) Act 1992".

Signed by authority of the Lord Chancellor

Sarah Sackman
Minister of State
Ministry of Justice

12th October 2026

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Employment Appeal Tribunal Rules 1993 (S.I. 1993/2854) ("the 1993 Rules") which are the rules governing the procedure in the Employment Appeal Tribunal.

Rule 2 makes amendments to the 1993 Rules as a consequence of provision made in section 70ZM(1) and (2) of Chapter 5ZA of Part 1 of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52) (right of trade unions to access workplaces), as inserted by section 59(2) of the Employment Rights Act 2025 (c. 36), for appeals to the Employment Appeal Tribunal from determinations, declarations and orders of the Central Arbitration Committee under that Chapter.

No impact assessment has been carried out for these amendments as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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