STATUTORY INSTRUMENTS

2026 No. 1065 (C. 87)

TERMS AND CONDITIONS OF EMPLOYMENT

TRADE UNIONS

The Employment Rights Act 2025 (Commencement No. 6 and Transitional and Saving Provisions) Regulations 2026

Made - - - - *1st October 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 155 and 159(3) of the Employment Rights Act 2025(**a**).

Citation

1. These Regulations may be cited as the Employment Rights Act 2025 (Commencement No. 6 and Transitional and Saving Provisions) Regulations 2026.

Interpretation

2. In these Regulations—

"the 1992 Act " means the Trade Union and Labour Relations (Consolidation) Act 1992(**b**);

"the 2025 Act" means the Employment Rights Act 2025.

Provisions of the 2025 Act coming into force on 30th October 2026

3. The following provisions of the 2025 Act come into force on 30th October 2026—

(a) section 20 (employers to take all reasonable steps to prevent sexual harassment);

(b) section 21 (harassment by third parties);

(c) section 22 (sexual harassment: power to make provision about "reasonable steps");

(d) section 56 and Schedule 5 (seafarers' wages and working conditions);

(e) section 59 (right of trade unions to access workplaces), so far as not already in force;

(f) section 60 and Schedule 6 (trade union recognition), so far as not already in force, subject to the transitional provisions in regulation 4 and the savings provisions in regulations 5 and 6;

(g) section 64 (facilities provided to trade union officials and learning representatives), so far as not already in force, subject to the transitional provisions in regulation 7;

(**a**) 2025 c. 36.
(**b**) 1992 c. 52.

(h) section 65 (facilities for equality representatives), so far as not already in force, subject to the transitional provisions in regulation 8.

Transitional provisions in relation to Schedule 6 to the 2025 Act

4.—(1) Paragraphs 3, 4, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18, 22, 23, 24, 25, 26, 29, 30, 31, 32, 33, 66(2)(a), 66(2)(b), 66(3), 66(5)(a), 66(5)(b), 66(5)(c) and 66(5)(d) of Schedule 6 to the 2025 Act do not apply in cases where an application under paragraph 11 or 12 of Schedule A1 to the 1992 Act (application in the event that employer rejects request for recognition or negotiations fail)(**a**) was received by the Central Arbitration Committee(**b**) before 30th October 2026.

(2) Paragraphs 5, 9, 10, 19, 20, 21, 27 and 28 of Schedule 6 to the 2025 Act, in so far as not already in force before 30th October 2026, do not apply in cases where an application under paragraph 11 or 12 of Schedule A1 to the 1992 Act was received by the Central Arbitration Committee before 30th October 2026.

(3) Paragraph 35 of Schedule 6 to the 2025 Act does not apply in cases where an application under paragraph 55, 58 or 59 of Schedule A1 to the 1992 Act (application related to type of agreement, method of collective bargaining, or failure to carry out agreement as to a method) was received by the Central Arbitration Committee before 30th October 2026.

(4) Paragraphs 36, 37, 38, 39, 45, 46 and 66(5)(e) of Schedule 6 to the 2025 Act do not apply in cases where an application under paragraph 66 or 75 of Schedule A1 to the 1992 Act (application where either party believes bargaining unit is no longer appropriate, or where employer believes that unit has ceased to exist) was received by the Central Arbitration Committee before 30th October 2026.

(5) Paragraphs 40 and 41 of Schedule 6 to the 2025 Act, in so far as not already in force before 30th October 2026, do not apply in cases where an application under paragraph 66 or 75 of Schedule A1 to the 1992 Act was received by the Central Arbitration Committee before 30th October 2026.

(6) Paragraphs 49, 50, 51, 52, 53, 54, 55, 66(2)(c) and 66(4) of Schedule 6 to the 2025 Act do not apply in cases where an application under paragraph 106, 107 or 112 of Schedule A1 to the 1992 Act (application related to employer's request to end bargaining arrangements, or workers' application to end arrangements) was received by the Central Arbitration Committee before 30th October 2026.

(7) Paragraphs 47 and 48 of Schedule 6 to the 2025 Act, in so far as not already in force before 30th October 2026, do not apply in cases where an application under paragraph 106, 107 or 112 of Schedule A1 to the 1992 Act was received by the Central Arbitration Committee before 30th October 2026.

(8) Paragraphs 56, 57 and 58 of Schedule 6 to the 2025 Act do not apply in cases where an application under paragraph 128 of Schedule A1 to the 1992 Act (application related to employer's request to end bargaining arrangements where recognition automatic) was received by the Central Arbitration Committee before 30th October 2026.

(9) Paragraphs 59 and 60 of Schedule 6 to the 2025 Act, in so far as not already in force before 30th October 2026, do not apply in cases where an application under paragraph 128 of Schedule A1 to the 1992 Act was received by the Central Arbitration Committee before 30th October 2026.

(**a**) Schedule A1 was inserted by Schedule 1 to the Employment Relations Act 1999 (c. 26). Paragraph 11 of Schedule A1 was amended by section 1(1) of the Employment Relations Act 2004 (c. 24). Paragraph 12 of Schedule A1 was amended by section 1(2) of the Employment Relations Act 2004.

(**b**) Section 259 of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52) makes provision in relation to the Central Arbitration Committee.

(10) Paragraphs 61 and 66(5)(f) of Schedule 6 to the 2025 Act do not apply in cases where an application under paragraph 106, 107, 112 or 128 of Schedule A1 to the 1992 Act was received by the Central Arbitration Committee before 30th October 2026.

(11) Paragraphs 62 and 63 of Schedule 6 to the 2025 Act, in so far as not already in force before 30th October 2026, do not apply in cases where an application under paragraph 137 of Schedule A1 to the 1992 Act (workers' application to end bargaining arrangements where the union is not independent) was received by the Central Arbitration Committee before 30th October 2026.

(12) Paragraphs 64 and 66(5)(g) of Schedule 6 to the 2025 Act do not apply in cases where an application under paragraph 137 of Schedule A1 to the 1992 Act was received by the Central Arbitration Committee before 30th October 2026.

Saving provisions in relation to paragraph 33 of Schedule 6 to the 2025 Act

5.—(1) This regulation applies after paragraph 33 of Schedule 6 to the 2025 Act comes into force.

(2) Where paragraph 33 applies to an application concerning a declaration that was issued by the Central Arbitration Committee before 30th October 2026, then paragraph 49(1) of Schedule A1 to the 1992 Act(**a**) is to be read as though the references to paragraphs 116E(5) and 116K(5) of Schedule A1(**b**) included references to paragraphs 119D(4) and 119H(5) of Schedule A1(**c**) as they stood prior to 30th October 2026.

Saving provisions in relation to paragraphs 56 and 57 of Schedule 6 to the 2025 Act

6.—(1) This regulation applies after paragraphs 56 and 57 of Schedule 6 to the 2025 Act come into force.

(2) Where paragraph 56 applies in relation to an application for derecognition made on or after 30th October 2026 and there was a declaration by the Central Arbitration Committee under paragraph 27D(3) of Schedule A1 to the 1992 Act(**d**), then paragraph 122 of Schedule A1(**e**) is to be read as though reference to a declaration under paragraph 19P(4) of Schedule A1(**f**) included reference to a declaration under paragraph 27D(3) of Schedule A1 as it stood prior to 30th October 2026.

(3) Where paragraph 57 applies in relation to an application for derecognition made on or after 30th October 2026 and there was a declaration by the Central Arbitration Committee under paragraph 27D(3) of Schedule A1, then paragraph 123 of Schedule A1 to the 1992 Act(**g**) is to be read as though reference to a declaration under paragraph 19P(4) of Schedule A1 included reference to paragraph 27D(3) as it stood prior to 30th October 2026.

Transitional provisions in relation to section 64 of the 2025 Act

7. The amendments made by section 64 of the 2025 Act do not apply to any employment tribunal claim brought under section 168(4)(a) or section 168A(9)(a) of the 1992 Act (time off

(**a**) Paragraph 49 of Schedule A1 was amended by paragraph 23(14) of Schedule 1 to the Employment Relations Act 2004.
(**b**) Paragraph 116E of Schedule A1 was inserted by paragraph 47 of Schedule 6 to the Employment Rights Act 2025 (c. 36). Paragraph 116K of Schedule A1 was inserted by paragraph 48 of Schedule 6 to the Employment Rights Act 2025. Paragraphs 116E and 116K were partially commenced on 6th January 2026 by S.I. 2026/3 (C. 2) for the purposes of issuing a Code of Practice regarding access and unfair practices during the recognition and derecognition processes.
(**c**) Paragraphs 119D and 119H of Schedule A1 were inserted by section 13(1) of the Employment Relations Act 2004.
(**d**) Paragraph 27D of Schedule A1 was inserted by section 10(1) of the Employment Relations Act 2004.
(**e**) Paragraph 122 of Schedule A1 was amended by paragraph 23(24) of Schedule 1 to the Employment Relations Act 2004.
(**f**) Paragraph 19P of Schedule A1 was inserted by paragraph 10 of Schedule 6 to the Employment Rights Act 2025 and partially commenced on 6th January 2026 by S.I. 2026/3 (C. 2) for the purposes of issuing a Code of Practice regarding access and unfair practices during the recognition and derecognition processes.
(**g**) Paragraph 123 of Schedule A1 was amended by paragraph 23(25) of Schedule 1 to the Employment Relations Act 2004.

for carrying out trade union duties or for union learning representatives)(**a**) in respect of an employer's failure to permit an employee to take time off, where the date of the failure occurs before 30th October 2026.

Transitional provisions in relation to section 65 of the 2025 Act

8. For the purposes of section 168B of the 1992 Act (time off for union equality representatives)(**b**), the requirements of subsection (3) of that section (notice to employer and training condition) are treated as satisfied in relation to an employee if—

(a) immediately before 30th October 2026, the employee has the function of carrying out any or all of the activities mentioned in section 168B(2) in relation to qualifying members of the trade union and has had that function for a continuous period of six months or more, and

(b) the employee acquired that function by reason of being appointed or elected, in accordance with the rules of the trade union, to carry it out.

Sonny Leong
Parliamentary Under-Secretary of State
1st October 2026 Department for Business, Innovation, Science and Trade

(**a**) Section 168 was amended by section 1(2)(a) of the Employment Rights (Dispute Resolution) Act 1998 (c. 8). There are other amendments to section 168 but none are relevant. Section 168A was inserted by section 43(2) of the Employment Act 2002 (c. 22).

(**b**) Section 168B was inserted by section 65(2) of the Employment Rights Act 2025 and partially commenced on 6th January 2026 by S.I. 2026/3 (C. 2) for the purposes of Acas issuing and revising a Code of Practice.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force certain provisions of the Employment Rights Act 2025 (c. 36) ("the 2025 Act") on 30th October 2026. They are the sixth commencement regulations made under the 2025 Act. Certain provisions came into force on Royal Assent by virtue of section 159(1) of the 2025 Act and two months after Royal Assent by virtue of section 159(2) of the 2025 Act.

Regulation 3 brings into force on 30th October 2026 the provisions of the 2025 Act listed, so far as not already in force.

Regulation 4 makes transitional provision in relation to Schedule 6 to the 2025 Act. It provides that the amendments made by Schedule 6 to the 2025 Act related to trade union recognition and derecognition do not apply where the relevant application to the Central Arbitration Committee was received by the Central Arbitration Committee before 30th October 2026.

Regulation 5 makes savings provisions in relation to the coming into force of paragraph 33 of Schedule 6 to the 2025 Act. Paragraph 33 amends paragraph 49 of Schedule A1 to the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52) ("the 1992 Act"). Paragraph 49 of Schedule A1 to the 1992 Act, as amended by the 2025 Act, prevents a trade union from making an application for recognition for three years where the Central Arbitration Committee has issued a declaration relating to access or unfair practices under paragraphs 116E(5) or 116K(5) of Schedule A1 to the 1992 Act. Regulation 5 saves the effect of declarations that were issued by the Central Arbitration Committee before the coming into force of these amendments on 30th October 2026.

Regulation 6 makes savings provisions in relation to the coming into force of paragraphs 56 and 57 of Schedule 6 to the 2025 Act. These savings provisions apply where there is a declaration by the Central Arbitration Committee under paragraph 27D(3) of Schedule A1 to the 1992 Act (declaration of automatic recognition for a union where there has been unfair practice by employer consisting of, or including, use of violence, or the dismissal of a union official). Regulation 6 saves the effect of declarations issued by the Central Arbitration Committee before 30th October 2026.

Regulation 7 makes transitional provision in relation to section 64 of the 2025 Act, so that in the case of a complaint to an employment tribunal related to the failure of an employer to permit trade union representatives or union learning representatives to take time off to carry out their functions, the amendments made by section 64 only apply where the failure complained of occurs on or after 30th October 2026.

Regulation 8 makes transitional provision in relation to section 65 of the 2025 Act, so that the right to time off during working hours to carry out the functions of trade union equality representatives applies to employees who have been carrying out the functions set out in section 168B(2) of the 1992 Act immediately before 30th October 2026, if they have had that function for a continuous period of six months or more, and have acquired that function by reason of being appointed or elected in accordance with union rules.

The impact assessments completed 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, Innovation, Science and Trade, Old Admiralty Building, Admiralty Place, London, SW1A 2DY.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Employment Rights Act 2025 have been brought into force by commencement regulations made before the date of these Regulations. On the date these Regulations are made, the commencement date of a provision marked * has not been reached.

Provision	*Date of Commencement*	*S.I. No.*
Sections 1 to 4 (partially)	6th January 2026	S.I. 2026/3
Section 5(1) and (2) (partially)	6th January 2026	S.I. 2026/3
Section 6(1) and (2) (partially)	6th January 2026	S.I. 2026/3
Sections 7 and 8	6th January 2026	S.I. 2026/3
Section 9 (partially)	6th January 2026	S.I. 2026/3
Sections 10 to 13	6th April 2026	S.I. 2026/373
Section 15 (partially)	18th February 2026	S.I. 2026/3
Section 15 (remainder)	6th April 2026	S.I. 2026/3
Section 16 (partially)	6th January 2026	S.I. 2026/3
Section 16 (partially)	18th February 2026	S.I. 2026/3
Section 16 (remainder)	6th April 2026	S.I. 2026/3
Section 17 (1) and (2) (partially)	6th January 2026	S.I. 2026/3
Section 17 (partially)	18th February 2026	S.I. 2026/3
Section 17 (remainder)	6th April 2026	S.I. 2026/3
Section 18 (1) to (4), (10) and (11) (partially)	6th January 2026	S.I. 2026/3
Section 23	6th April 2026	S.I. 2026/323
Section 24(1) and (2) (partially)	6th January 2026	S.I. 2026/3
Section 24(1) and (5) (partially)	6th April 2026	S.I. 2026/323
Section 25(5)(partially)	1st July 2026	S.I. 2026/559
Section 25 (remainder)*	1st January 2027	S.I. 2026/559
Section 26	6th January 2026	S.I. 2026/3
Section 27(1) (partially)	6th January 2026	S.I. 2026/3
Section 27(2) to (5)	6th January 2026	S.I. 2026/3
Section 27(6) (partially)	6th January 2026	S.I. 2026/3
Section 27 (remainder)	6th April 2026	S.I. 2026/323
Section 28(1) to (3) (partially)	6th January 2026	S.I. 2026/3
Section 28(1) to (3) (partially)	6th April 2026	S.I. 2026/323
Section 28(6)	6th January 2026	S.I. 2026/3
Section 29(1) to (5) (partially)	6th January 2026	S.I. 2026/3
Section 30(1) (partially)	6th January 2026	S.I. 2026/3
Section 30(3)	6th January 2026	S.I. 2026/3
Section 30 (remainder)	6th April 2026	S.I. 2026/323
Section 31	18th February 2026	S.I. 2026/3
Section 32(1) to (3) and (5) to (7) (partially)	6th January 2026	S.I. 2026/3
Section 32(4)	6th January 2026	S.I. 2026/3
Section 33	6th April 2026	S.I. 2026/323
Section 35	6th April 2026	S.I. 2026/323
Section 36 (partially)	6th January 2026	S.I. 2026/3
Sections 39 to 55	6th April 2026	S.I. 2026/323
Section 57	18th February 2026	S.I. 2026/3
Section 58(1), (2) and (5) (partially)	6th January 2026	S.I. 2026/3
Section 59(1) and (2) (partially)	6th January 2026	S.I. 2026/3

Section 60 (partially)	6th January 2026	S.I. 2026/3
Section 60 (partially)	6th April 2026	S.I. 2026/323
Section 64 (partially)	6th January 2026	S.I. 2026/3
Section 65 (partially)	6th January 2026	S.I. 2026/3
Section 76(1) and (2) (partially)	6th January 2026	S.I. 2026/3
Section 76 (remainder)	18th February 2026	S.I. 2026/3
Section 77	18th February 2026	S.I. 2026/3
Section 79	18th February 2026	S.I. 2026/3
Section 81	18th February 2026	S.I. 2026/3
Section 85	1st April 2026	S.I. 2026/323
Section 88	6th January 2026	S.I. 2026/3
Section 90(1) and (3) (partially)	6th January 2026	S.I. 2026/3
Section 90 (partially)	7th April 2026	S.I. 2026/323
Section 91 (partially)	6th January 2026	S.I. 2026/3
Section 91 (partially)	7th April 2026	S.I. 2026/323
Section 92(1)	7th April 2026	S.I. 2026/323
Section 92(2) (partially)	7th April 2026	S.I. 2026/323
Section 92(3) to (6)	7th April 2026	S.I. 2026/323
Section 93	7th April 2026	S.I. 2026/323
Sections 94 to 98 (partially)	7th April 2026	S.I. 2026/323
Sections 99 to 102	7th April 2026	S.I. 2026/323
Section 103(1), (2) and (7) (partially)	6th January 2026	S.I. 2026/3
Section 103 (partially)	7th April 2026	S.I. 2026/323
Section 104 (partially)	6th January 2026	S.I. 2026/3
Section 104 (partially)	7th April 2026	S.I. 2026/323
Sections 105 to 107 (partially)	7th April 2026	S.I. 2026/323
Section 108(1) and (2)	6th January 2026	S.I. 2026/3
Sections 108 and 109 (partially)	7th April 2026	S.I. 2026/323
Sections 110 to 115	7th April 2026	S.I. 2026/323
Section 118(2) (partially)	6th January 2026	S.I. 2026/3
Section 118(5) to (7)	6th January 2026	S.I. 2026/3
Sections 119 and 120 (partially)	7th April 2026	S.I. 2026/323
Sections 121 and 122	7th April 2026	S.I. 2026/323
Section 123 (partially)	7th April 2026	S.I. 2026/323
Section 124	7th April 2026	S.I. 2026/323
Section 125 (partially)	7th April 2026	S.I. 2026/323
Sections 126 to 134	7th April 2026	S.I. 2026/323
Section 135(6) and (7)	6th January 2026	S.I. 2026/3
Section 135 (partially)	7th April 2026	S.I. 2026/323
Sections 136 to 141	7th April 2026	S.I. 2026/323
Section 142 (partially)	7th April 2026	S.I. 2026/323
Section 143	6th January 2026	S.I. 2026/3
Sections 144 to 148	7th April 2026	S.I. 2026/323
Section 149(1) (partially)	6th January 2026	S.I. 2026/3
Section 149(1) (partially)	7th April 2026	S.I. 2026/323
Section 149(2)	6th January 2026	S.I. 2026/3
Section 149(3)	7th April 2026	S.I. 2026/323
Section 150(1) (partially)	7th April 2026	S.I. 2026/323
Section 150(2)	7th April 2026	S.I. 2026/323
Section 151(1) (partially)	6th January 2026	S.I. 2026/3
Section 151(1) (partially)	7th April 2026	S.I. 2026/323
Section 151(2)	6th January 2026	S.I. 2026/3
Section 151(3) and (4)	7th April 2026	S.I. 2026/323
Section 151(5)	6th January 2026	S.I. 2026/3
Section 152	1st October 2026	S.I. 2026/954
Section 153	6th January 2026	S.I. 2026/3
Schedule 1 (partially)	6th January 2026	S.I. 2026/3

Schedule 2 paragraphs 2 and 4; paragraphs 6, 27, 29 (partially); paragraph 30	6th January 2026	S.I. 2026/3
Schedule 2 paragraphs 6, 27 and 29 (partially)	6th January 2026	S.I. 2026/3
Schedule 2 paragraph 30	6th January 2026	S.I. 2026/3
Schedule 3 paragraph 5	1st July 2026	S.I. 2026/559
Schedule 3 (remainder)*	1st January 2027	S.I. 2026/559
Schedule 6 paragraphs 1, 9, 10, 40, 41, 47, 48, 59, 60, 62 and 63 (partially)	6th January 2026	S.I. 2026/3
Schedule 6 paragraphs 1, 5, 19, 20, 21, 27, 28 (partially)	6th April 2026	S.I. 2026/323
Schedule 6 paragraphs 34, 42 to 44, 65	6th April 2026	S.I. 2026/3
Schedule 7, Part 1 (partially)	7th April 2026	S.I. 2026/323
Schedule 7, Part 2	6th January 2026	S.I. 2026/3
Schedule 8	7th April 2026	S.I. 2026/323
Schedule 9 (partially)	7th April 2026	S.I. 2026/323
Schedule 10 paragraphs 25, 30, 32, 45(1) and (6), 63 and 74(1) and (3) (partially)	6th January 2026	S.I. 2026/3
Schedule 10 paragraphs 1 to 62 (remainder)	7th April 2026	S.I. 2026/323
Schedule 10 paragraph 63 (partially)	7th April 2026	S.I. 2026/323
Schedule 10 paragraphs 64 to 73	7th April 2026	S.I. 2026/323
Schedule 10 paragraph 74 (remainder)	7th April 2026	S.I. 2026/323
Schedule 10, paragraphs 75 to 93	7th April 2026	S.I 2026/323
Schedule 11, Part 1	6th January 2026	S.I. 2026/3
Schedule 11 (remainder)	7th April 2026	S.I. 2026/323
Schedule 12	1st October 2026	S.I. 2026/954

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