



Trade Union and Labour Relations (Consolidation) Act 1992

1992 CHAPTER 52

PART IV

INDUSTRIAL RELATIONS

CHAPTER III

CODES OF PRACTICE

Supplementary provisions

207 Effect of failure to comply with Code.

- (1) A failure on the part of any person to observe any provision of a Code of Practice issued under this Chapter shall not of itself render him liable to any proceedings.
- (2) In any proceedings before an [^{F1}employment tribunal] or the Central Arbitration Committee any Code of Practice issued under this Chapter by ACAS shall be admissible in evidence, and any provision of the Code which appears to the tribunal or Committee to be relevant to any question arising in the proceedings shall be taken into account in determining that question.
- (3) In any proceedings before a court or [^{F1}employment tribunal] or the Central Arbitration Committee any Code of Practice issued under this Chapter by the Secretary of State shall be admissible in evidence, and any provision of the Code which appears to the court, tribunal or Committee to be relevant to any question arising in the proceedings shall be taken into account in determining that question.

Changes to legislation: *Trade Union and Labour Relations (Consolidation) Act 1992, Cross Heading: Supplementary provisions is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

- F1** Words in s. 207(2)(3) substituted (1.8.1998) by 1998 c. 8, s. 1(2)(a) (with s. 16(2)); S.I. 1998/1658, art. 2(1), Sch. 1

[^{F2}207A Effect of failure to comply with Code: adjustment of awards

- (1) This section applies to proceedings before an employment tribunal relating to a claim by an employee under any of the jurisdictions listed in Schedule A2.
- (2) If, in the case of proceedings to which this section applies, it appears to the employment tribunal that—
 - (a) the claim to which the proceedings relate concerns a matter to which a relevant Code of Practice applies,
 - (b) the employer has failed to comply with that Code in relation to that matter, and
 - (c) that failure was unreasonable,
 the employment tribunal may, if it considers it just and equitable in all the circumstances to do so, increase any award it makes to the employee by no more than 25%.
- (3) If, in the case of proceedings to which this section applies, it appears to the employment tribunal that—
 - (a) the claim to which the proceedings relate concerns a matter to which a relevant Code of Practice applies,
 - (b) the employee has failed to comply with that Code in relation to that matter, and
 - (c) that failure was unreasonable,
 the employment tribunal may, if it considers it just and equitable in all the circumstances to do so, reduce any award it makes to the employee by no more than 25%.
- (4) In subsections (2) and (3), “relevant Code of Practice” means a Code of Practice issued under this Chapter which relates exclusively or primarily to procedure for the resolution of disputes.
- (5) Where an award falls to be adjusted under this section and under section 38 of the Employment Act 2002, the adjustment under this section shall be made before the adjustment under that section.
- (6) The Secretary of State may by order amend Schedule A2 for the purpose of—
 - (a) adding a jurisdiction to the list in that Schedule, or
 - (b) removing a jurisdiction from that list.
- (7) The power of the Secretary of State to make an order under subsection (6) includes power to make such incidental, supplementary, consequential or transitional provision as the Secretary of State thinks fit.
- (8) An order under subsection (6) shall be made by statutory instrument.
- (9) No order shall be made under subsection (6) unless a draft of the statutory instrument containing it has been laid before Parliament and approved by a resolution of each House.]

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Textual Amendments

- F2** S. 207A inserted (6.4.2009) by [Employment Act 2008 \(c. 24\)](#), ss. 3(2), 22(1)(a); S.I. 2008/3232, [art. 2](#) (with [art. 3](#), [Sch. paras. 1-5](#))

208 Provisions of earlier Code superseded by later.

- (1) If ACAS is of the opinion that the provisions of a Code of Practice to be issued by it under this Chapter will supersede the whole or part of a Code previously issued under this Chapter, by it or by the Secretary of State, it shall in the new Code state that on the day on which the new Code comes into effect the old Code or a specified part of it shall cease to have effect.
- (2) If the Secretary of State is of the opinion that the provisions of a Code of Practice to be issued by him under this Chapter will supersede the whole or part of a Code previously issued under this Chapter by him or by ACAS, he shall in the new Code state that on the day on which the new Code comes into effect the old Code or a specified part of it shall cease to have effect.
- (3) The above provisions do not affect any transitional provisions or savings made by the order bringing the new Code into effect.

Changes to legislation:

Trade Union and Labour Relations (Consolidation) Act 1992, Cross Heading: Supplementary provisions is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 212A(1)(zb) inserted by [2023 c. 46 Sch. para. 1](#)