

2005 No. 2420

TRADE UNIONS

**The Employment Code of Practice (Industrial Action Ballots
and Notice to Employers) Order 2005**

<i>Made</i> - - - -	<i>30th August 2005</i>
<i>Laid before Parliament</i>	<i>1st September 2005</i>
<i>Coming into force</i> - -	<i>1st October 2005</i>

Whereas—

(1) under section 203(2) of the Trade Union and Labour Relations (Consolidation) Act 1992 (“the 1992 Act”)(a) the Secretary of State may from time to time revise the whole or any part of a Code of Practice issued by him and issue that revised Code;

(2) in pursuance of section 203(2) of the 1992 Act the Secretary of State proposes to revise the whole of the Code of Practice on Industrial Action Ballots and Notice to Employers which came into effect on 18th September 2000(b);

(3) in pursuance of section 204(1) of the 1992 Act, the Secretary of State, after consultation with the Advisory, Conciliation and Arbitration Service, prepared and published in draft a revised Code of Practice on Industrial Action Ballots and Notice to Employers;

(4) in pursuance of section 204(1) of the 1992 Act, the Secretary of State considered representations made to him about the draft Code and modified the draft accordingly;

(5) in pursuance of section 204(2) of the 1992 Act, the Secretary of State laid the draft Code before both Houses of Parliament, the draft Code was approved by resolution of each House of Parliament and the Secretary of State is issuing the Code of Practice on Industrial Action Ballots and Notice to Employers in the form of that draft;

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by section 204(3) of the 1992 Act, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Employment Code of Practice (Industrial Action Ballots and Notice to Employers) Order 2005 and comes into force on 1st October 2005.

Appointed date for code of practice

2. The day appointed for the coming into effect of the revised Code of Practice on Industrial Action Ballots and Notice to Employers issued by the Secretary of State pursuant to section 203 of the Trade Union and Labour Relations (Consolidation) Act 1992 (the draft of which was laid

(a) 1992 c. 52.

(b) The Code of Practice on Industrial Action Ballots and Notice to Employers was brought into force by S.I. 2000/2241.

before both Houses of Parliament on 5th July 2005 and approved by a resolution of the House of Commons on 18th July 2005 and of the House of Lords on 19th July 2005) is 1st October 2005.

Transitional Provisions

3. The Code of Practice described in article 2 will only apply in the case of any notice or ballot to which sections 226A and 234A respectively of the 1992 Act as amended by sections 22 and 25 respectively of the Employment Relations Act 2004(a) apply.

30th August 2005

Barry Gardiner
Minister for Competitiveness
Department of Trade and Industry

(a) 2004 c. 24.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force, on 1st October 2005, the revised Code of Practice on Industrial Action Ballots and Notice to Employers, which is issued by the Secretary of State under section 204(2) of the Trade Union and Labour Relations (Consolidation) Act 1992.

This Order contains transitional provisions.

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