



# Trade Union and Labour Relations (Consolidation) Act 1992

## 1992 CHAPTER 52

### PART IV

#### INDUSTRIAL RELATIONS

#### CHAPTER III

#### CODES OF PRACTICE

*Codes of Practice issued by ACAS*

#### **199** Issue of Codes of Practice by ACAS.

- (1) ACAS may issue Codes of Practice containing such practical guidance as it thinks fit for the purpose of promoting the improvement of industrial relations [<sup>F1</sup>or for purposes connected with trade union learning representatives.]
- (2) In particular, ACAS shall in one or more Codes of Practice provide practical guidance on the following matters—
  - (a) the time off to be permitted by an employer to a trade union official in accordance with section 168 (time off for carrying out trade union duties);
  - (b) the time off to be permitted by an employer to a trade union member in accordance with section 170 (time off for trade union activities); and
  - (c) the information to be disclosed by employers to trade union representatives in accordance with sections 181 and 182 (disclosure of information for purposes of collective bargaining).
- (3) The guidance mentioned in subsection (2)(a) shall include guidance on the circumstances in which a trade union official is to be permitted to take time off under section 168 in respect of duties connected with industrial action; and the guidance

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**Changes to legislation:** *Trade Union and Labour Relations (Consolidation) Act 1992, Cross Heading: Codes of Practice issued by ACAS is up to date with all changes known to be in force on or before 02 July 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*

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mentioned in subsection (2)(b) shall include guidance on the question whether, and the circumstances in which, a trade union member is to be permitted to take time off under section 170 for trade union activities connected with industrial action.

- (4) ACAS may from time to time revise the whole or any part of a Code of Practice issued by it and issue that revised Code.

#### Textual Amendments

**F1** Words in s. 199(1) inserted (27.4.2003) by 2002 c. 22, ss. 43(7), 55(2); S.I. 2003/1190, art. 2(1) (with art. 3)

## 200 Procedure for issue of Code by ACAS.

- (1) Where ACAS proposes to issue a Code of Practice, or a revised Code, it shall prepare and publish a draft of the Code, shall consider any representations made to it about the draft and may modify the draft accordingly.
- (2) If ACAS determines to proceed with the draft, it shall transmit the draft to the Secretary of State who—
- (a) if he approves of it, shall lay it before both Houses of Parliament, and
  - (b) if he does not approve of it, shall publish details of his reasons for withholding approval.

[<sup>F2</sup>(3) A Code containing practical guidance—

- (a) on the time off to be permitted to a trade union learning representative in accordance with section 168A (time off for training and carrying out functions as a learning representative),
- (b) on the training that is sufficient to enable a trade union learning representative to carry on the activities mentioned in section 168A(2) (activities for which time off is to be permitted), or
- (c) on any of the matters referred to in section 199(2),

shall not be issued unless the draft has been approved by a resolution of each House of Parliament; and if it is so approved, ACAS shall issue the Code in the form of the draft.]

- (4) In any other case the following procedure applies—
- (a) if, within the period of 40 days beginning with the day on which the draft is laid before Parliament, (or, if copies are laid before the two Houses on different days, with the later of the two days) either House so resolves, no further proceedings shall be taken thereon, but without prejudice to the laying before Parliament of a new draft;
  - (b) if no such resolution is passed, ACAS shall issue the Code in the form of the draft.

In reckoning the period of 40 days no account shall be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

- (5) A Code issued in accordance with this section shall come into effect on such day as the Secretary of State may appoint by order made by statutory instrument.

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The order may contain such transitional provisions or savings as appear to him to be necessary or expedient.

#### Textual Amendments

**F2** S. 200(3) substituted (27.4.2003) by 2002 c. 22, ss. 43(8), 55(2); S.I. 2003/1190, art. 2(1) (with art. 3)

### 201 Consequential revision of Code issued by ACAS.

(1) A Code of Practice issued by ACAS may be revised by it in accordance with this section for the purpose of bringing it into conformity with subsequent statutory provisions by the making of consequential amendments and the omission of obsolete passages.

“Subsequent statutory provisions” means provisions made by or under an Act of Parliament and coming into force after the Code was issued (whether before or after the commencement of this Act).

(2) Where ACAS proposes to revise a Code under this section, it shall transmit a draft of the revised Code to the Secretary of State who—

- (a) if he approves of it, shall lay the draft before each House of Parliament, and
- (b) if he does not approve of it, shall publish details of his reasons for withholding approval.

(3) If, within the period of 40 days beginning with the day on which the draft is laid before Parliament, (or, if copies are laid before the two Houses on different days, with the later of the two days) either House so resolves, no further proceedings shall be taken thereon, but without prejudice to the laying before Parliament of a new draft.

In reckoning the period of 40 days no account shall be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(4) If no such resolution is passed ACAS shall issue the Code in the form of the draft and it shall come into effect on such day as the Secretary of State may appoint by order made by statutory instrument.

The order may contain such transitional provisions or savings as appear to the Secretary of State to be necessary or expedient.

### 202 Revocation of Code issued by ACAS.

(1) A Code of Practice issued by ACAS may, at the request of ACAS, be revoked by the Secretary of State by order made by statutory instrument.

The order may contain such transitional provisions and savings as appear to him to be appropriate.

(2) If ACAS requests the Secretary of State to revoke a Code and he decides not to do so, he shall publish details of his reasons for his decision.

(3) An order shall not be made under this section unless a draft of it has been laid before and approved by resolution of each House of Parliament.

**Changes to legislation:**

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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](#)