

2024 No. 245

TRADE UNIONS

The Code of Practice (Picketing) Order 2024

Made - - - - *28th February 2024*

The Secretary of State makes this Order in exercise of the powers conferred by section 205(4) of the Trade Union and Labour Relations (Consolidation) Act 1992(a) (“the 1992 Act”).

Under section 203(2) of the 1992 Act, 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.

In accordance with section 205(1) of the 1992 Act, the Secretary of State proposed to revise the Code of Practice on Picketing which came into operation on 17th December 1980(b), for the purpose of bringing it into conformity with subsequent statutory provisions by the making of consequential amendments and the omission of obsolete passages.

In accordance with section 205(2) of the 1992 Act, the Secretary of State laid before both Houses of Parliament a draft of the revised Code of Practice. Neither House of Parliament resolved within the period of 40 days that no further proceedings should be taken on the draft revised Code.

In accordance with section 205(4) of the 1992 Act, the Secretary of State has issued the revised Code in the form of that draft.

Citation and extent

- 1.—(1) This Order may be cited as the Code of Practice (Picketing) Order 2024.
- (2) This Order extends to England and Wales and Scotland.

Appointed day for the Code of Practice

- 2.—(1) The revised Code of Practice on Picketing comes into effect on 11th March 2024(c).
- (2) In paragraph (1) “The revised Code of Practice on Picketing” means the revised Code of Practice which was laid in draft before both Houses of Parliament on 14th December 2023.

(a) 1992 c. 52.

(b) The Code of Practice on Picketing came into operation by S.I. 1980/1757. The Code was subsequently revised by S.I. 1992/476 and S.I. 2017/237.

(c) The Code is available at <https://www.gov.uk/government/publications/code-of-practice-picketing>. A copy may also be inspected by contacting the Department for Business and Trade, Old Admiralty Building, Admiralty Place, London SW1A 2DY.

28th February 2024

Kevin Hollinrake
Parliamentary Under Secretary of State
Department for Business and Trade

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints 11th March 2024 as the day upon which the revised Code of Practice on Picketing, which has been issued by the Secretary of State under sections 203(2) and 205(4) of the Trade Union and Labour Relations (Consolidation) Act 1992 (“the 1992 Act”), will come into effect.

The Code of Practice on Picketing has been revised for the purpose of bringing it into conformity with section 234E of the 1992 Act (Work notices: no protection if union fails to take reasonable steps). Section 234E was inserted into the 1992 Act by the Strikes (Minimum Service Levels) Act 2023 (c. 39) (“the 2023 Act”).

The Code of Practice on Picketing, which came into operation on 17th December 1980 by S.I. 1980/1757, was previously revised in whole by S.I. 1992/476. The Code was subsequently revised by S.I. 2017/237 to include references to the requirement to appoint a picket supervisor as a result of section 220A of the 1992 Act (Union supervision of picketing). Section 220A was inserted into the 1992 Act by section 10 of the Trade Union Act 2016 (c. 15).

A full impact assessment has not been prepared for this Order or the revised Code of Practice on Picketing because the revision of the Code of Practice on Picketing is consequential on section 234E of the 1992 Act (inserted by the 2023 Act). The impacts of the 2023 Act on trade unions and other relevant bodies have been considered in the impact assessment produced in relation to the 2023 Act, which is available at <https://bills.parliament.uk/bills/3396/publications>. A copy may also be inspected by contacting the Department for Business and Trade, Old Admiralty Building, Admiralty Place, London SW1A 2DY.

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