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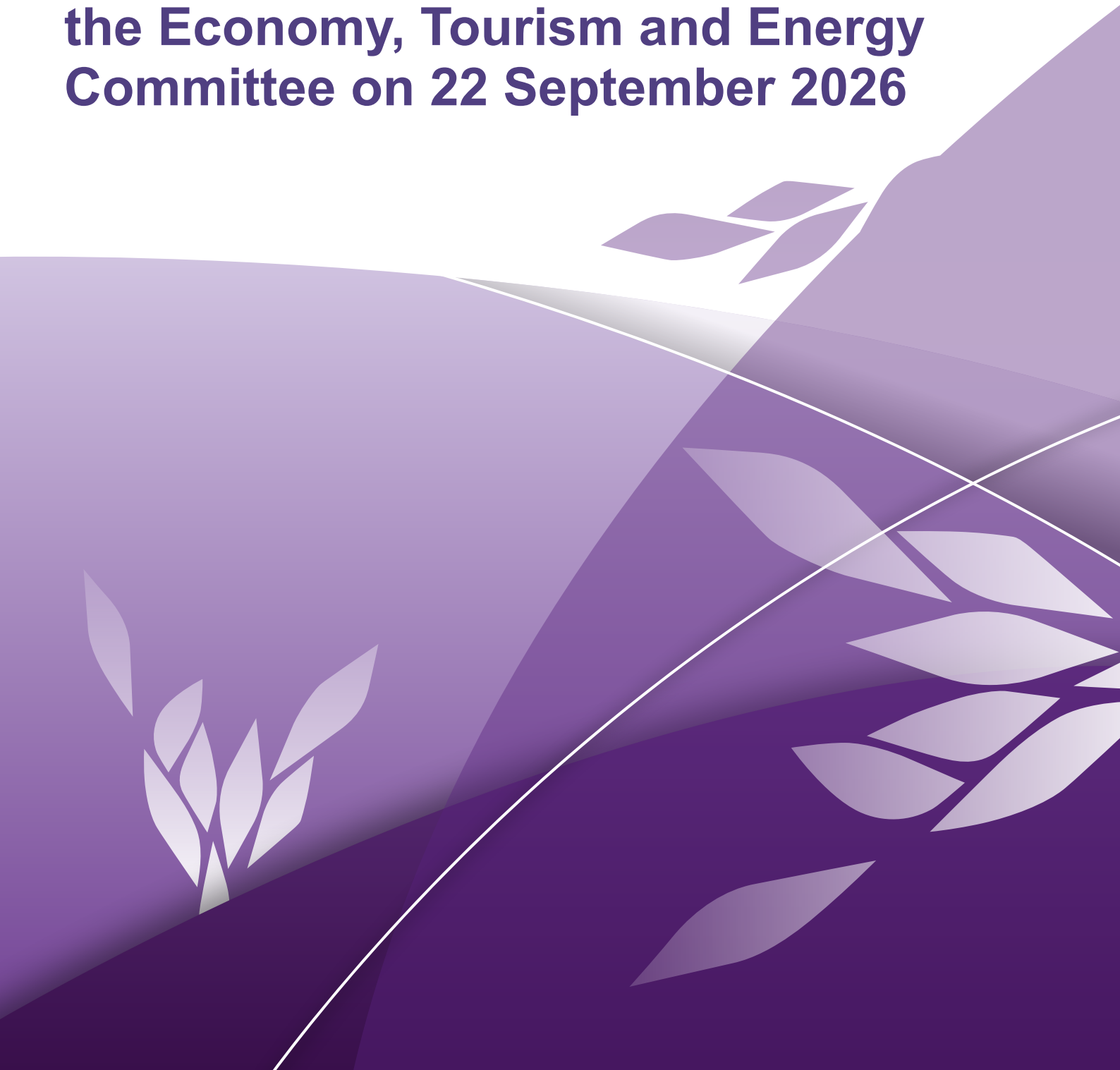
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Economy, Tourism and Energy Committee

Subordinate legislation considered by the Economy, Tourism and Energy Committee on 22 September 2026



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Contents

Employment Tribunals Extension of Jurisdiction (Amendment) (Scotland) Order 2026 [draft]	1
Introduction	1
About the instrument	1
Consideration by the Delegated Powers and Law Reform Committee	1
Consideration by the Economy, Tourism and Energy Committee	2

Economy, Tourism and Energy Committee

To consider and report on matters within the responsibility of the Cabinet Secretary for Economy, Tourism and Transport, with the exception of transport, on matters relating to public infrastructure, civil contingencies and resilience, and on matters relating to energy and energy consents



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Committee Membership



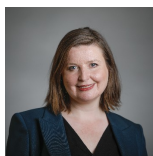
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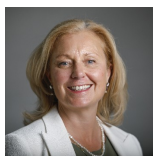
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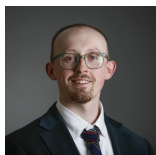
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Scottish National Party



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Kristopher Leask
Scottish Green Party

Employment Tribunals Extension of Jurisdiction (Amendment) (Scotland) Order 2026 [draft]

Introduction

1. This report sets out the Economy, Tourism and Energy Committee's consideration of the [Employment Tribunals Extension of Jurisdiction \(Amendment\) \(Scotland\) Order 2026](#) at its meeting on 22 September 2026.
2. The [minutes](#) of the meeting have been published on the Committee's web page. The [Official Report](#) of the meeting is available on the Scottish Parliament's website.

About the instrument

3. This instrument extends the time limit for employees in Scotland to bring certain contract of employment claims to an employment tribunal from three months to six months.
4. The instrument brings Scotland into line with England and Wales to create a consistent six-month limit for these claims. The Scottish Government considers that the longer period should give workers more time to resolve disputes, including through internal procedures and ACAS conciliation, potentially reducing the need for tribunal claims.
5. The Scottish Ministers have certified that the Order is compatible with the United Nations Convention on the Rights of the Child and concluded that it has no impact on children's rights. A full Equality Impact Assessment is not considered necessary, on the basis that the change is expected to create a fairer, standardised system across protected characteristics. The Scottish Government expects no financial impact on government, local authorities or businesses because this is a technical amendment to the existing time limit.

Consideration by the Delegated Powers and Law Reform Committee

6. The Delegated Powers and Law Reform Committee considered the instrument on 15 September 2026 and reported on it in its [4th Report, 2026](#).
7. It made no recommendations in relation to the instrument. The DPLR Committee did, however, suggest that the Economy, Tourism and Energy Committee may wish to explore whether the change could have been prioritised and implemented sooner, given that the invitation from UK Ministers to exercise the power was received on 15 December 2025.

Consideration by the Economy, Tourism and Energy Committee

8. The Committee took evidence on the instrument from the Minister for Business and Fair Work on [22 September 2026](#).
9. The Minister made an opening statement, setting out the purpose and objectives of the instrument.
10. The Minister stated that the Order extends the time limit for employment tribunal claims concerning breach of contract of employment in Scotland from three months to six months. The change is intended to align Scotland's tribunal time limits with those in England and Wales, following reforms in the Employment Rights Act 2025.
11. The Minister explained that the extension will provide workers with additional time to seek advice, understand their rights and consider their options following a workplace dispute. It may also support resolution through internal procedures or ACAS early conciliation before a claim reaches tribunal.
12. The Minister confirmed that the Order does not create new employment rights or alter tribunal functions. Its purpose is to improve access to justice and ensure consistent time limits across Great Britain.
13. Members asked whether extending the time limit could delay the resolution of existing workplace disputes, increase costs, prolong uncertainty for those awaiting an outcome, or disadvantage individuals approaching the current deadline.
14. The Minister said that the effect of time limits was ultimately a matter of judgement. Longer deadlines could allow more time for disputes to be resolved through internal procedures or conciliation before formal tribunal proceedings began, whereas shorter deadlines might encourage individuals to initiate proceedings sooner. He considered the proposed change proportionate and appropriately balanced, noting that it included transitional arrangements and that existing provisions already allowed extensions. He added that the Order had been introduced at the earliest practicable opportunity, despite differing commencement dates in Scotland and elsewhere, and that it would provide greater flexibility and improve consistency with the rest of Great Britain.
15. The Committee also asked whether the regulation had been assessed against the Scottish Government's commitment to reducing bureaucracy and its better regulation principles. The Minister stated that better regulation remains an ongoing priority, informed by the New Deal for Business and the Programme for Government. He linked the proposed change to the wider employment rights landscape, including the Employment Rights Act 2025, fair work principles, and the objective of providing greater clarity and ensuring a level playing field.
16. When asked how workers and employers would be informed of the new six-month time limit, the Minister replied that the Scottish Government would engage with the appropriate authorities to ensure that appropriate notification took place.
17. The Minister moved motion S7M-01019—

That the Economy, Tourism and Energy Committee recommends that the

Employment Tribunals Extension of Jurisdiction (Amendment) (Scotland) Order
2026 [draft] be approved.

18. The Motion was agreed to.

19. **Accordingly, the Committee recommends to the Parliament that the
Employment Tribunals Extension of Jurisdiction (Amendment) (Scotland)
Order 2026 be approved.**

