
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 177

The Service Provision Change (Protection of Employment) Regulations (Northern Ireland) 2006

Service provision change

- 3.—(1) These Regulations apply to a service provision change, that is a situation in which—
- (a) activities cease to be carried out by a person (“a client”) on his own behalf and are carried out instead by another person on the client’s behalf (“a contractor”);
 - (b) activities cease to be carried out by a contractor on a client’s behalf (whether or not those activities had previously been carried out by the client on his own behalf) and are carried out instead by another person (“a subsequent contractor”) on the client’s behalf; or
 - (c) activities cease to be carried out by a contractor or a subsequent contractor on a client’s behalf (whether or not those activities had previously been carried out by the client on his own behalf) and are carried out instead by the client on his own behalf,
- and in which the conditions set out in paragraph (2) are satisfied.
- (2) The conditions referred to in paragraph (1) are that—
- (a) immediately before the service provision change—
 - (i) there is an organised grouping of employees situated in Northern Ireland which has as its principal purpose the carrying out of the activities concerned on behalf of the client;
 - (ii) the client intends that the activities will, following the service provision change, be carried out by the transferee other than in connection with a single specific event or task of short-term duration; and
 - (b) the activities concerned do not consist wholly or mainly of the supply of goods for the client’s use.
- (3) Subject to paragraph (1), these Regulations apply to—
- (a) public and private undertakings engaged in economic activities whether or not they are operating for gain;
 - (b) a service provision change howsoever effected notwithstanding—
 - (i) that the service provision change is governed or effected by the law of a country or territory outside Northern Ireland;
 - (ii) that the employment of persons employed in the organised grouping of employees, is governed by any such law;
 - (c) a service provision change where persons employed in the business or part transferred ordinarily work outside the United Kingdom.
- (4) An administrative reorganisation of public administrative authorities or the transfer of administrative functions between public administrative authorities is not a service provision change.
- (5) A service provision change—
- (a) may be effected by a series of two or more transactions; and

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- (b) may take place whether or not any property is transferred to the transferee by the transferor.
- (6) In this regulation “contractor” includes a sub-contractor.