



# Trade Union Reform and Employment Rights Act 1993

## 1993 CHAPTER 19

### PART II

#### EMPLOYMENT RIGHTS

##### *Transfer and redundancy rights*

#### <sup>F1</sup>33 Amendments of transfer of undertakings regulations.

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##### Textual Amendments

<sup>F1</sup> S. 33 repealed (with application in accordance with reg. 21(1) of the amending S.I.) by [The Transfer of Undertakings \(Protection of Employment\) Regulations 2006 \(S.I. 2006/246\)](#), regs. 1(2), **20(2)**

#### 34 Redundancy consultation procedures.

(1) Chapter II of Part IV of the 1992 Act (procedure for handling redundancies) shall be amended in accordance with subsections (2) to (5) below.

(2) In section 188 (duty of employer to consult trade union representatives)—

(a) in subsection (4) (information to be disclosed to representatives), after paragraph (e) there shall be inserted “and

(f) the proposed method of calculating the amount of any redundancy payments to be made (otherwise than in compliance with an obligation imposed by or by virtue of any enactment) to employees who may be dismissed.”,

<sup>F2</sup>(b) .....

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**Changes to legislation:** There are currently no known outstanding effects for the Trade Union Reform and Employment Rights Act 1993, Cross Heading: Transfer and redundancy rights. (See end of Document for details)

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- (c) at the end of subsection (7) (exception from requirements in special circumstances) there shall be inserted—

“ Where the decision leading to the proposed dismissals is that of a person controlling the employer (directly or indirectly), a failure on the part of that person to provide information to the employer shall not constitute special circumstances rendering it not reasonably practicable for the employer to comply with such a requirement. ”.

<sup>F3</sup>(3) .....

- (4) In section 193 (duty of employer to notify Secretary of State of certain redundancies), at the end of subsection (7) (exception from requirements in special circumstances) there shall be inserted—

“ Where the decision leading to the proposed dismissals is that of a person controlling the employer (directly or indirectly), a failure on the part of that person to provide information to the employer shall not constitute special circumstances rendering it not reasonably practicable for the employer to comply with any of those requirements. ”.

- (5) For section 195 there shall be substituted—

**“195 Construction of references to dismissal as redundant etc.**

- (1) In this Chapter references to dismissal as redundant are references to dismissal for a reason not related to the individual concerned or for a number of reasons all of which are not so related.
- (2) For the purposes of any proceedings under this Chapter, where an employee is or is proposed to be dismissed it shall be presumed, unless the contrary is proved, that he is or is proposed to be dismissed as redundant.”.

<sup>F4</sup>(6) .....

**Textual Amendments**

**F2** S. 34(2)(b) omitted (26.10.1995) by virtue of S.I. 1995/2587, **reg. 3(11)**

**F3** S. 34(3) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 8**

**F4** S. 34(6) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 8**

**Modifications etc. (not altering text)**

**C1** S. 34 restricted (27.7.1993) by S.I. 1993/1908, **art. 3(12)**.

**Changes to legislation:**

There are currently no known outstanding effects for the Trade Union Reform and Employment Rights Act 1993, Cross Heading: Transfer and redundancy rights.