

**2006 No. 2405**

**TERMS AND CONDITIONS OF EMPLOYMENT**

**The Transfer of Undertakings (Protection of Employment)  
(Consequential Amendments) Regulations 2006**

<i>Made</i>	- - - -	<i>6th September 2006</i>
<i>Laid before Parliament</i>		<i>8th September 2006</i>
<i>Coming into force</i>	- -	<i>1st October 2006</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) (being a Minister designated for the purposes of that section in relation to rights and obligations relating to employers and employees on the transfer or merger of undertakings, businesses or parts of businesses(b)) and section 38 of the Employment Relations Act 1999(c).

**Citation, commencement and extent**

- 1.—(1) These Regulations may be cited as the Transfer of Undertakings (Protection of Employment) (Consequential Amendments) Regulations 2006.
- (2) These Regulations shall come into force on 1 October 2006.
- (3) These Regulations extend to Great Britain only.

**Consequential Amendments**

2. In regulation 20 of the Information and Consultation of Employees Regulations 2004(d) for “regulations 10 to 12 of the Transfer of Undertakings (Protection of Employment) Regulations 1981” in paragraph (1)(c)(ii) there shall be substituted “regulations 13 to 16 of the Transfer of Undertakings (Protection of Employment) Regulations 2006” and for “regulation 10” in paragraph (5)(b) there shall be substituted “regulation 13”.

3. In paragraph 22(5)(d) of Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004(e) for “regulation 11(5) of the Transfer of Undertakings (Protection of Employment) Regulations 1981” there shall be substituted “regulation 15(10) of the Transfer of Undertakings (Protection of Employment) Regulations 2006”.

4. In paragraph 147(v) and (vi) of the schedule of the ACAS Arbitration Scheme (Great Britain) Order 2004(f) for “regulations 10 and 11 of the Transfer of Undertakings (Protection of

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(a) 1972 c.68.  
(b) See the European Communities (Designation) (No.2) Order 1977 (S.I. 1977/1718).  
(c) 1999 c.26.  
(d) S.I. 2004/3426.  
(e) S.I. 2004/1861.  
(f) S.I. 2004/753.

Employment) Regulations 1981” there shall be substituted “regulations 13, 15 and 16 of the Transfer of Undertakings (Protection of Employment) Regulations 2006”.

5. Regulations 3 and 4 shall not apply where the Transfer of Undertakings (Protection of Employment) Regulations 1981(a) continue to have application by virtue of regulation 21 of the Transfer of Undertakings (Protection of Employment) Regulations 2006(b).

6th September 2006

*Margaret Hodge*  
Minister of State for  
Industry and the Regions  
Department of Trade and Industry

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(a) S.I. 1981/1794. The Transfer of Undertakings (Protection of Employment) Regulations 1981 were revoked by the Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246) subject to certain transitional provisions and savings in regulation 21 of those Regulations.

(b) S.I. 2006/246.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make amendments consequential to the coming into force of the Transfer of Undertakings (Protection of Employment) Regulations 2006. These Regulations replace references to the Transfer of Undertakings (Protection of Employment) Regulations 1981 with the appropriate references to the Transfer of Undertakings (Protection of Employment) Regulations 2006 in the Information and Consultation of Employees Regulations 2004, the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004 and the ACAS Arbitration Scheme (Great Britain) Order 2004.

These Regulations apply to Great Britain only. To the extent that the Regulations implement Council Directive 2001/23/EC on the approximation of the law relating to business transfers (OJ L82, 22.03.2001, p.16), they are made under section 2(2) of the European Communities Act 1972. To the extent that they relate to the treatment of employees, and related matters, in relation to a service provision change (as defined in the Transfer of Undertakings (Protection of Employment) Regulations 2006) in circumstances other than those to which the Directive applies, they are made under section 38 of the Employment Relations Act 1999.

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