STATUTORY RULES OF NORTHERN IRELAND

2020 No. 15

EMPLOYMENT

The Transfer of Undertakings and Service Provision Change (Protection of Employment) (Amendment) Regulations (Northern Ireland) 2020

Made - - - -	*21st January 2020*
Coming into operation	*27th January 2020*

The Department for the Economy(**1**) makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**2**) and Article 37(2) of the Employment Relations (Northern Ireland) Order 1999(**3**), and now vested in it(**4**).

The Department is designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to rights and obligations relating to employers and employees on the transfer or merger of undertakings, businesses or parts of businesses(**5**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Transfer of Undertakings and Service Provision Change (Protection of Employment) (Amendment) Regulations (Northern Ireland) 2020 and shall come into operation on 27th January 2020.

(2) The Interpretation Act (Northern Ireland) 1954(**6**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(**1**) 2016 c. 5 (N.I.).
(**2**) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) (the 2006 Act) and by Part 1 of Schedule 1 to the European Union (Amendment) Act 2008 (c.7) (the 2008 Act). Paragraph 1A of Schedule 2 was inserted by section 28 of the 2006 Act and by Part 1 of Schedule 1 to the 2008 Act. It is prospectively repealed by the European Union (Withdrawal) Act 2018 (c. 16), section 1 from exit day (*see* section 20 of that Act).
(**3**) S.I. 1999/2790 (N.I. 9).
(**4**) S.R. 2016 No. 76, Article 6(1)(c).
(**5**) *See* the European Communities (Designation) (No. 2) Order 1977 (S.I. 1977/1718).
(**6**) 1954 c. 33 (N.I.).

Amendment of the Transfer of Undertakings (Protection of Employment) Regulations 2006

2. Schedule 1 to the Transfer of Undertakings (Protection of Employment) Regulations 2006(**7**) is amended as follows.

3. In paragraph 10(3)(a) for "Article 20" substitute "Articles 20A to 20C".

4. In paragraph 10(4)(a) for "Article 20" substitute "Articles 20A to 20C".

5. After paragraph 10(4) insert—

"(4A) In regulation 16A—

(a) in paragraph (2)(a) for the words "subsection (1) of section 18A of the Employment Tribunals Act 1996 (requirement to contact ACAS before instituting proceedings)" substitute "paragraph (1) of Article 20A of the Industrial Tribunals (Northern Ireland) Order 1996 (requirement to contact the Labour Relations Agency before instituting proceedings)";

(b) in paragraph (2)(b) for the words "(by virtue of regulations made under subsection (11) of that section) the certificate issued under subsection (4) of that section" substitute "(by virtue of regulations made under paragraph (11) of that Article) the certificate issued under paragraph (4) of that Article".".

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

6. The Service Provision Change (Protection of Employment) Regulations (Northern Ireland) 2006(**8**) are amended as follows.

7. In regulation 12—

(a) after paragraph (2) insert—

"(2A) Regulation 16A (extension of time limit to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (2)."

(b) in paragraph (7) for "Article 20" substitute "Articles 20A to 20C".

8. In regulation 15 after paragraph (12) insert—

"(13) Regulation 16A (extension of time limit to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (12).".

9. In regulation 16, in paragraph (1), for "Article 20" substitute "Articles 20A to 20C".

10. After regulation 16 insert—

"**Extension of time limit to facilitate conciliation before institution of proceedings**

16A.—(1) This regulation applies where these Regulations provide for it to apply for the purposes of a provision in these Regulations ("a relevant provision").

(2) In this regulation—

(a) Day A is the day on which the worker concerned complies with the requirement in paragraph (1) of Article 20A of the Industrial Tribunals (Northern Ireland) Order 1996 (requirement to contact Labour Relations Agency before instituting

(**7**) S.I. 2006/246. Schedule 1, paragraphs 10(3), (4) and (4A) modify regulations 12, 16 and 16A for Northern Ireland in respect of conciliation. Paragraphs 10(3) and (4) were amended by S.I. 2014/386. Regulation 12 was amended by S.I. 2014/386 and S.I. 2014/853. Regulation 16 was amended by S.I. 2014/386. Regulation 16A was inserted by S.I. 2014/853.

(**8**) S.R. 2006 No. 177.