STATUTORY RULES OF NORTHERN IRELAND

2007 No. 494

EMPLOYMENT

The Transfer of Undertakings and Service Provision Change (Protection of Employment) (Consequential Amendments etc.) Regulations (Northern Ireland) 2007

Made - - - -	*5th December 2007*
Coming into operation	*30th December 2007*

The Department for Employment and Learning(**1**), makes the following Regulations in exercise of the powers conferred by on it by section 2(2) of the European Communities Act 1972(**2**) (being a Department 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(**3**)) and Article 37(2) of the Employment Relations (Northern Ireland) Order 1999(**4**), and now vested in it(**5**):

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Transfer of Undertakings and Service Provision Change (Protection of Employment) (Consequential Amendments etc.) Regulations (Northern Ireland) 2007 and shall come into operation on 30th December 2007.

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

(3) These Regulations extend to Northern Ireland only.

Consequential amendments

2.—(1) Article 234 of the Pensions (Northern Ireland) Order 2005(**7**) (conditions for pension protection) is amended as follows.

(2) In paragraph (1), for sub-paragraph (a) there shall be substituted—

(**1**) Formerly the Department of Higher and Further Education, Training and Employment; *see*2001 c. 15 (N.I.)
(**2**) 1972 c. 68
(**3**) *See* the European Communities (Designation) (No. 2) Order 1977 (S.I. 1977/1718)
(**4**) S.I. 1999/2790 (N.I. 9)
(**5**) *See*S.R. 1999 No. 481
(**6**) 1954 c. 33 (N.I.)
(**7**) S.I. 2005/255 (N.I. 1)

"(a) there is a transfer of an undertaking, business or part of an undertaking or business for the purposes of regulation 3(1)(a) of the Transfer of Undertakings (Protection of Employment) Regulations 2006(**8**) or there is a service provision change within the meaning of the Service Provision Change (Protection of Employment) Regulations (Northern Ireland) 2006(**9**),".

(3) In paragraph (1)(b) after "by virtue of the transfer" there shall be inserted "or service provision change".

(4) Paragraph (6) is omitted.

(5) For paragraph (8) there shall be substituted—

"(8) In this Article references to the transferor include any associate of the transferor, and Article 4 of the Insolvency Order applies for the purposes of this Article as it applies for the purposes of that Order.".

3.—(1) Regulation 20 of the Information and Consultation of Employees Regulations (Northern Ireland) 2005(**10**) is amended as follows.

(2) In paragraph (1)(c)—

(a) the word "and" at the end of head (i) is omitted; and

(b) for head (ii) there shall be substituted—

"(ii) regulations 13 to 16 of the Transfer of Undertakings (Protection of Employment) Regulations 2006(**11**); and

(iii) regulations 13 to 16 of the Service Provision Change (Protection of Employment) Regulations (Northern Ireland) 2006(**12**).".

(3) In paragraph (5)(b) for "regulation 10" there shall be substituted "regulation 13" and after "paragraph (1)(c)(ii)" there shall be inserted "or paragraph (1)(c)(iii)".

4. Rule 22(5) of Schedule 1 to the Industrial Tribunals (Constitution and Rules of Procedure) Regulations (Northern Ireland) 2005(**13**) is amended by substituting for sub-paragraph (d)—

"(d) regulation 15(10) of the Transfer of Undertakings (Protection of Employment) Regulations 2006(**14**) (failure to pay compensation following failure to inform or consult);

(da) regulation 15(10) of the Service Provision Change (Protection of Employment) Regulations (Northern Ireland) 2006(**15**) (failure to pay compensation following failure to inform or consult);".

5.—(1) Paragraph 126 of the Schedule to the Labour Relations Agency Arbitration Scheme Order (Northern Ireland) 2002(**16**) is amended as follows.

(2) In sub-paragraph (v)(a) for "regulations 10 and 11 of the Transfer of Undertakings (Protection of Employment) Regulations 1981(b) (as amended from time to time)" there shall be substituted "regulations 13, 15 and 16 of the Transfer of Undertakings (Protection of Employment) Regulations

(**8**) S.I. 2006/246
(**9**) S.R. 2006 No. 177
(**10**) S.R. 2005 No. 47; Regulation 20(5) was amended by regulation 5 of S.R. 2006 No. 86
(**11**) S.I. 2006/246
(**12**) S.R. 2006 No. 177
(**13**) S.R. 2005 No. 150; Rule 22(5) of Schedule 1 was amended by regulation 3(1) of S.R. 2005 No. 578
(**14**) S.I. 2006/246
(**15**) S.R. 2006 No. 177
(**16**) S.R. 2002 No. 120