



# Trade Union Reform and Employment Rights Act 1993

## 1993 CHAPTER 19

### PART II

#### EMPLOYMENT RIGHTS

##### *Transfer and redundancy rights*

#### **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>F1</sup>(b) .....
  - (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. ”.
- (3) In section 190 (entitlement under protective award), subsection (3) (avoidance of double payments) shall cease to have effect.

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*Status: Point in time view as at 26/10/1995. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Trade Union Reform and Employment Rights Act 1993, Section 34. (See end of Document for details)*

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- (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.”.
- (6) Section 283 of the 1992 Act (which excepts employment as a merchant seaman from the provisions of Chapter II of Part IV) shall cease to have effect.

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**Textual Amendments**

**F1** S. 34(2)(b) omitted (26.10.1995) by virtue of S.I. 1995/2587, reg. 3(11)

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

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

**Status:**

Point in time view as at 26/10/1995. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Trade Union Reform and Employment Rights Act 1993, Section 34.