

*These notes refer to the Employment Relations Act 1999
(c.26) which received Royal Assent on 27 July 1999*

EMPLOYMENT RELATIONS ACT 1999

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Miscellaneous

Section 38: Transfer of undertakings

309. This section empowers the Secretary of State to make provision by statutory instrument, subject to the negative resolution procedure, for employees to be given the same or similar treatment in specified circumstances falling outside the scope of the EC Acquired Rights Directive as they are given under the UK's implementing legislation in circumstances falling within the scope of that Directive. The Directive safeguards employees' rights when the business or undertaking, or part of one, in which they work is transferred between employers.