



# Employment Relations Act 1999

## 1999 CHAPTER 26

### *Miscellaneous*

#### **38 Transfer of undertakings.**

[<sup>F1</sup>(1) The Secretary of State may by regulations make TUPE-like provision in relation to the treatment of employees in circumstances other than those to which the main part of the TUPE regulations applies.

(2) In this section—

- (a) the “main part of the TUPE regulations” means so much of the Transfer of Undertakings (Protection of Employment) Regulations 2006 ([S.I. 2006/246](#)) as relates to the treatment of employees on the transfer of an undertaking, business or part of an undertaking or business;
- (b) “TUPE-like provision” means provision which is the same or similar to that made by the main part of the TUPE regulations.

(2A) The circumstances mentioned in subsection (1) include circumstances in which there is no transfer, or no transfer to which the main part of the TUPE regulations applies.]

(3) Regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **Textual Amendments**

- F1** S. 38(1)-(2A) substituted for s. 38(1)(2) (31.12.2020) by [The Employment Rights \(Amendment\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/536\)](#), reg. 1(1), [Sch. para. 1](#) (with Sch. Pt. 3); 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:**

There are currently no known outstanding effects for the Employment Relations Act 1999, Section 38.