



Defence Reform Act 2014

2014 CHAPTER 20

PART 1

DEFENCE PROCUREMENT

Transfers

9 Transfer of employees: application of TUPE regulations

- (1) The TUPE regulations apply to the transfer of a relevant undertaking or any part of it by virtue of arrangements mentioned in section 1 whether or not the relevant undertaking would otherwise be treated as an undertaking to whose transfer the regulations apply.
- (2) For the purposes of the TUPE regulations, the services of the relevant employees are to be treated as a part of that undertaking to whose transfer the regulations apply whether or not the company which is to become their employer also provides defence procurement services by virtue of arrangements mentioned in section 1.
- (3) In this section—
 - “relevant undertaking”—
 - (a) in relation to arrangements mentioned in section 1(1)(b), means DE&S;
 - (b) in relation to arrangements mentioned in section 1(4)(b), means the departmental defence procurement undertaking;
 - “relevant employees”—
 - (a) in relation to arrangements mentioned in section 1(1)(b), means the persons employed in the civil service of the State mentioned in section 1(1)(b);
 - (b) in relation to arrangements mentioned in section 1(4)(b), means the persons employed in the civil service of the State mentioned in section 1(4)(b).