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STATUTORY INSTRUMENTS

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**1995 No. 2587**

**The Collective Redundancies and Transfer of Undertakings  
(Protection of Employment) (Amendment) Regulations 1995**

*Employment rights of employee representatives*

**Time off work**

**13.**—(1) After section 31A of the 1978 Act insert—

**“Time off for employee representatives.**

**31AA.**—(1) An employee who is—

- (a) an employee representative for the purposes of Chapter II of Part IV of the Trade Union and Labour Relations (Consolidation) Act 1992 or Regulations 10 and 11 of the Transfer of Undertakings (Protection of Employment) Regulations 1981, or
- (b) a candidate in an election in which any person elected will, on being elected, be such an employee representative,

shall be entitled to be allowed by his employer reasonable time off during the employee’s working hours in order to perform his functions as such an employee representative or candidate.

(2) Subject to subsection (3), subsections (4) to (10) of section 31A shall apply to an employee who is allowed time off in accordance with this section as they apply to an employee who is permitted to take time off in accordance with subsection (1) of that section.

(3) In its application by virtue of subsection (2)—

- (a) subsection (4) of section 31A shall have effect as if for the reference to the period of absence there were substituted a reference to the time taken off, and
- (b) subsection (7) of that section shall have effect as if for the reference to the day of the appointment concerned there were substituted a reference to the day on which it is alleged that the time off should have been allowed or the day on which the time off was taken.”

(2) In section 32 of the 1978 Act, for “31A” substitute “31AA”.

(3) In section 133(1)(a) of the 1978 Act, after “31A,” insert “31AA,”.

(4) In section 138(4) of the 1978 Act, for “and 31A” substitute “, 31A and 31AA”.

(5) In section 146A(2)(b) of the 1978 Act, for “and section 31A” substitute “, 31A and 31AA”.

(6) In paragraph 7(1) of Schedule 14 to the 1978 Act, after paragraph (cc) insert—

“(ccc) where the calculation is for the purposes of section 31A as it applies by virtue of section 31AA, the day on which it is alleged that the time off should have been allowed or the day on which the time off was taken;”.