
STATUTORY INSTRUMENTS

2006 No. 246

The Transfer of Undertakings (Protection of Employment) Regulations 2006

Failure to inform or consult: supplemental

16.—(1) Section 205(1) of the 1996 Act (complaint to be sole remedy for breach of relevant rights) and [F1sections 18A to 18C] of the 1996 Tribunals Act (conciliation) shall apply to the rights conferred by regulation 15 and to proceedings under this regulation as they apply to the rights conferred by those Acts and the employment tribunal proceedings mentioned in those Acts.

(2) An appeal shall lie and shall lie only to the Employment Appeal Tribunal on a question of law arising from any decision of, or arising in any proceedings before, an employment tribunal under or by virtue of these Regulations; and section 11(1) of the Tribunals and Inquiries Act 1992(1) (appeals from certain tribunals to the High Court) shall not apply in relation to any such proceedings.

(3) “Appropriate compensation” in regulation 15 means such sum not exceeding thirteen weeks’ pay for the employee in question as the tribunal considers just and equitable having regard to the seriousness of the failure of the employer to comply with his duty.

(4) Sections 220 to 228 of the 1996 Act shall apply for calculating the amount of a week’s pay for any employee for the purposes of paragraph (3) and, for the purposes of that calculation, the calculation date shall be—

- (a) in the case of an employee who is dismissed by reason of redundancy (within the meaning of sections 139 and 155 of the 1996 Act) the date which is the calculation date for the purposes of any entitlement of his to a redundancy payment (within the meaning of those sections) or which would be that calculation date if he were so entitled;
- (b) in the case of an employee who is dismissed for any other reason, the effective date of termination (within the meaning of sections 95(1) and (2) and 97 of the 1996 Act) of his contract of employment;
- (c) in any other case, the date of the relevant transfer.

F1 Words in [reg. 16\(1\)](#) substituted (6.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Consequential Amendments\) \(Employment\) Order 2014 \(S.I. 2014/386\)](#), art. 1, [Sch. para. 38](#)

Modifications etc. (not altering text)

- C1** [Regs. 11-16](#) applied (1.4.2013) by [The Transfer of Undertakings \(Protection of Employment\) \(Transfers of Public Health Staff\) Regulations 2013 \(S.I. 2013/278\)](#), regs. 1(1), [5](#)
- C2** [Regs. 11-16](#) applied (1.10.2021) by [The Transfer of Undertakings \(Protection of Employment\) \(Transfer of Public Health England Staff\) Regulations 2021 \(S.I. 2021/975\)](#), regs. 1(1), [5](#) (with [reg. 2](#))
- C3** [Regs. 11-16](#) applied (21.10.2022) by [The Transfer of Undertakings \(Protection of Employment\) \(Transfer of Staff to the Scottish Courts and Tribunals Service\) Regulations 2022 \(S.I. 2022/1012\)](#), regs. 1(1), [6](#) (with [reg. 2](#))

(1) [1992 c. 53](#); section 11(1) was amended by the [Sea Fish \(Conservation\) Act 1992 \(c. 60\)](#) section 9, the [Special Educational Needs and Disability Act 2001 \(c. 10\)](#) section 42(1) and Schedule 8 and [S.I. 2001/3649](#).

Changes to legislation: *The Transfer of Undertakings (Protection of Employment) Regulations 2006, Section 16 is up to date with all changes known to be in force on or before 13 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

Commencement Information

II [Reg. 16](#) in force at 6.4.2006, see [reg. 1\(2\)](#)

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[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations applied (with modifications) by [2014 c. 20 s. 9](#)