
STATUTORY INSTRUMENTS

2006 No. 246

**The Transfer of Undertakings (Protection
of Employment) Regulations 2006**

Interpretation

2.—(1) In these Regulations—

“assigned” means assigned other than on a temporary basis;

“collective agreement”, “collective bargaining” and “trade union” have the same meanings respectively as in the 1992 Act;

“contract of employment” means any agreement between an employee and his employer determining the terms and conditions of his employment;

references to “contractor” in regulation 3 shall include a sub-contractor;

“employee” means any individual who works for another person whether under a contract of service or apprenticeship or otherwise but does not include anyone who provides services under a contract for services and references to a person’s employer shall be construed accordingly;

“insolvency practitioner” has the meaning given to the expression by Part XIII of the Insolvency Act 1986⁽¹⁾;

references to “organised grouping of employees” shall include a single employee;

“recognised” has the meaning given to the expression by section 178(3) of the 1992 Act;

“relevant transfer” means a transfer or a service provision change to which these Regulations apply in accordance with regulation 3 and “transferor” and “transferee” shall be construed accordingly and in the case of a service provision change falling within regulation 3(1)(b), “the transferor” means the person who carried out the activities prior to the service provision change and “the transferee” means the person who carries out the activities as a result of the service provision change;

“the 1992 Act” means the Trade Union and Labour Relations (Consolidation) Act 1992⁽²⁾;

“the 1996 Act” means the Employment Rights Act 1996⁽³⁾;

“the 1996 Tribunals Act” means the Employment Tribunals Act 1996⁽⁴⁾;

“the 1981 Regulations” means the Transfer of Undertakings (Protection of Employment) Regulations 1981⁽⁵⁾.

(1) 1986 c. 45; section 388, which explains the meaning of acting as insolvency practitioner, was amended by the Insolvency Act 2000 (c. 39) sections 4(1), 4(2)(a), 4(2)(b), 4(2)(c), the Bankruptcy (Scotland) Act 1993 section 11(1), S.I. 1994/2421, S.I. 2002/1240 and S.I. 2002/2708.

(2) 1992 c. 52.

(3) 1996 c. 18.

(4) 1996 c. 17; section 18, which defines conciliation, was amended by the Employment Rights (Dispute Resolution) Act 1998 (c. 8) sections 1(2)(a), 11(1), 15 and Schedule 1, the National Minimum Wage Act 1998 (c. 39) sections 24 and 30(1), the Employment Act 2002 (c. 22) sections 24(2), 53 and Schedule 7, the Employment Relations Act 2004 (c. 24) section 57(1) and Schedule 1, S.I. 1998/1833, S.I. 1999/3323, S.I. 2000/1299, S.I. 2000/1551, S.I. 2001/1107, S.I. 2002/2034, S.I. 2003/1660, S.I. 2003/1661, S.I. 2003/1673, S.I. 2003/3049, S.I. 2004/2326, S.I. 2004/1713 and S.I. 2004/3426.

(5) S.I. 1981/1794, amended by the Dock Work Act 1989 (c. 13) section 7(2), the Trade Union Reform and Employment Rights Act 1993 (c. 19) sections 33, 51 and Schedule 10, the Employment Rights (Dispute Resolution) Act 1998 (c. 8) section 1(2) (a), S.I. 1987/442, S.I. 1995/2587, S.I. 1998/1658, S.I. 1999/1925 and S.I. 1999/2402.

(2) For the purposes of these Regulations the representative of a trade union recognised by an employer is an official or other person authorised to carry on collective bargaining with that employer by that trade union.

(3) In the application of these Regulations to Northern Ireland the Regulations shall have effect as set out in Schedule 1.