

SCHEDULE

AMENDMENTS TO EMPLOYMENT RIGHTS LEGISLATION EXTENDING TO ENGLAND AND WALES, AND SCOTLAND

PART 1

AMENDMENTS TO PRIMARY LEGISLATION

The Employment Relations Act 1999

1. In section 38 (transfer of undertakings) of the Employment Relations Act 1999⁽¹⁾ for subsections (1) and (2) substitute—

“(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.”.

The Work and Families Act 2006

2. In section 13 of the Work and Families Act 2006⁽²⁾ (annual leave)—

(a) omit subsection (2)(g),

(b) omit subsection (4)(b), and

(c) in subsection (8), omit the definition of “the 1972 Act”.

(1) 1999 c. 26.

(2) 2006 c. 18.