

**2006 No. 2387**

**TERMS AND CONDITIONS OF EMPLOYMENT**

**The Collective Redundancies (Amendment) Regulations 2006**

<i>Made</i>	- - - -	<i>31st August 2006</i>
<i>Laid before Parliament</i>		<i>8th September 2006</i>
<i>Coming into force</i>	- -	<i>1st October 2006</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a), being a Minister designated for the purposes of that section in relation to measures relating to dismissals or terminations of employment contracts where such dismissals or terminations are effected by an employer for one or more reasons not related to the individual workers concerned(b)—

**Citation**

1. These Regulations may be cited as the Collective Redundancies (Amendment) Regulations 2006.

**Commencement**

2. These Regulations shall come into force on 1 October 2006.

**Duty to notify Secretary of State**

3.—(1) Section 193 of the Trade Union and Labour Relations (Consolidation) Act 1992(c) shall be amended as follows.

(2) After “of his proposal” in subsections (1) and (2) insert—

“(a) before giving notice to terminate an employee’s contract of employment in respect of any of those dismissals, and

(b) ”.

31st August 2006

*Jim Fitzpatrick*  
Parliamentary Under Secretary of State for Employment Relations  
Department of Trade and Industry

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(a) 1972 c.68.

(b) See the European Communities (Designation) Order 1994 (S.I. 1994/2791).

(c) 1992 c.52; section 193 was amended by S.I. 1995/2587.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made in consequence of the judgment of the European Court of Justice in Case C-188/03, *Junk v Kühnel*, which concerned the interpretation of Council Directive 98/59/EC (OJ No.L225, 12.8.98, p 16) on the approximation of the laws of the Member States relating to collective redundancies.

The Regulations amend section 193 of the Trade Union and Labour Relations (Consolidation) Act 1992 to provide that, in addition to the existing requirements of that section, an employer proposing collective redundancies must notify the Secretary of State of his proposal before he gives notice to an employee to terminate an employee's contract of employment in respect of any of those dismissals.

A full Regulatory Impact Assessment of the effect that this instrument will have on the costs of business may be obtained from the Employment Relations Team, Department for Trade and Industry, 1 Victoria Street, London, SW1H 0EN or from the Department for Trade and Industry's website (<http://www.dti.gov.uk/consultations/ria/index.html>). Copies of the regulatory impact assessment have been placed in the libraries of both Houses of Parliament.

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