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STATUTORY INSTRUMENTS

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**2006 No. 246**

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

**Notification of Employee Liability Information**

**11.**—(1) The transferor shall notify to the transferee the employee liability information of any person employed by him who is assigned to the organised grouping of resources or employees that is the subject of a relevant transfer —

- (a) in writing; or
- (b) by making it available to him in a readily accessible form.

(2) In this regulation and in regulation 12 “employee liability information” means—

- (a) the identity and age of the employee;
- (b) those particulars of employment that an employer is obliged to give to an employee pursuant to section 1 of the 1996 Act;
- (c) information of any—

- (i) disciplinary procedure taken against an employee;
- (ii) grievance procedure taken by an employee,

within the previous two years, in circumstances where the Employment Act 2002 (Dispute Resolution) Regulations 2004(1) apply;

(d) information of any court or tribunal case, claim or action—

- (i) brought by an employee against the transferor, within the previous two years;
- (ii) that the transferor has reasonable grounds to believe that an employee may bring against the transferee, arising out of the employee’s employment with the transferor; and

(e) information of any collective agreement which will have effect after the transfer, in its application in relation to the employee, pursuant to regulation 5(a).

(3) Employee liability information shall contain information as at a specified date not more than fourteen days before the date on which the information is notified to the transferee.

(4) The duty to provide employee liability information in paragraph (1) shall include a duty to provide employee liability information of any person who would have been employed by the transferor and assigned to the organised grouping of resources or employees that is the subject of a relevant transfer immediately before the transfer if he had not been dismissed in the circumstances described in regulation 7(1), including, where the transfer is effected by a series of two or more transactions, a person so employed and assigned or who would have been so employed and assigned immediately before any of those transactions.

(5) Following notification of the employee liability information in accordance with this regulation, the transferor shall notify the transferee in writing of any change in the employee liability information.

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(1) [S.I. 2004/752](#).

(6) A notification under this regulation shall be given not less than fourteen days before the relevant transfer or, if special circumstances make this not reasonably practicable, as soon as reasonably practicable thereafter.

(7) A notification under this regulation may be given—

- (a) in more than one instalment;
- (b) indirectly, through a third party.