



Employment Rights Act 1996

1996 CHAPTER 18

PART XIV **E+W+S**

INTERPRETATION

CHAPTER I **E+W+S**

CONTINUOUS EMPLOYMENT

218 Change of employer. **E+W+S**

- (1) Subject to the provisions of this section, this Chapter relates only to employment by the one employer.
- (2) If a trade or business, or an undertaking (whether or not established by or under an Act), is transferred from one person to another—
 - (a) the period of employment of an employee in the trade or business or undertaking at the time of the transfer counts as a period of employment with the transferee, and
 - (b) the transfer does not break the continuity of the period of employment.
- (3) If by or under an Act (whether public or local and whether passed before or after this Act) a contract of employment between any body corporate and an employee is modified and some other body corporate is substituted as the employer—
 - (a) the employee's period of employment at the time when the modification takes effect counts as a period of employment with the second body corporate, and
 - (b) the change of employer does not break the continuity of the period of employment.
- (4) If on the death of an employer the employee is taken into the employment of the personal representatives or trustees of the deceased—

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- (a) the employee’s period of employment at the time of the death counts as a period of employment with the employer’s personal representatives or trustees, and
 - (b) the death does not break the continuity of the period of employment.
- (5) If there is a change in the partners, personal representatives or trustees who employ any person—
- (a) the employee’s period of employment at the time of the change counts as a period of employment with the partners, personal representatives or trustees after the change, and
 - (b) the change does not break the continuity of the period of employment.
- (6) If an employee of an employer is taken into the employment of another employer who, at the time when the employee enters the second employer’s employment, is an associated employer of the first employer—
- (a) the employee’s period of employment at that time counts as a period of employment with the second employer, and
 - (b) the change of employer does not break the continuity of the period of employment.
- (7) If an employee of the [F1governing body] of a school maintained by a [F2local authority] is taken into the employment of the authority or an employee of a [F2local authority] is taken into the employment of the [F3governing body] of a school maintained by the authority—
- (a) his period of employment at the time of the change of employer counts as a period of employment with the second employer, and
 - (b) the change does not break the continuity of the period of employment.
- (8) If a person employed in relevant employment by a health service employer is taken into relevant employment by another such employer, his period of employment at the time of the change of employer counts as a period of employment with the second employer and the change does not break the continuity of the period of employment.
- (9) For the purposes of subsection (8) employment is relevant employment if it is employment of a description—
- (a) in which persons are engaged while undergoing professional training which involves their being employed successively by a number of different health service employers, and
 - (b) which is specified in an order made by the Secretary of State.
- (10) The following are health service employers for the purposes of subsections (8) and (9)—
- [F4(z) [F5NHS England],
 - [F6(zb) an integrated care board established under section 14Z25 of the National Health Service Act 2006,]]
 - F7(a)
 - (b) Special Health Authorities established under [F8section 28 of [F9the National Health Service Act 2006] or section 22 of the National Health Service (Wales) Act 2006] ,
 - F10(bb)
 - (c) National Health Service trusts established under [F11[F12the National Health Service Act 2006] or the National Health Service (Wales) Act 2006] ,

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- [^{F13}(ca) NHS foundation trusts,]
- [^{F14}(cb) Local Health Boards established under section 11 of the National Health Service (Wales) Act 2006,]
- [^{F15}(cc) the National Institute for Health and Care Excellence,]
- [^{F16}(cd)
- [^{F17}(ce) the Health Services Safety Investigations Body.]
- (d) ^{F18}
- (dd) ^{F19} ... ^{F20} ...
- ^{F20}(e)

[^{F21}(11) In subsection (7) “ local authority ” has the meaning given by section 579(1) of the Education Act 1996.]

Textual Amendments

- F1** Words in s. 218(7) substituted (1.10.2002 except in relation to W. and otherwise 19.12.2002) by Education Act 2002 (c. 32), s. 215(1), **Sch. 21 para. 32** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**; S.I. 2002/3185, **art. 4**, Sch. Pt. 1
- F2** Words in s. 218(7) substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 41(5)(a)**
- F3** Words in s. 218(7) substituted (1.10.2002 except in relation to W. and otherwise 19.12.2002) by Education Act 2002 (c. 32), s. 215(1), **Sch. 21 para. 32** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**; S.I. 2002/3185, **art. 4**, Sch. Pt. 1
- F4** S. 218(10)(za)(zb) inserted (1.10.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 75(a)**; S.I. 2012/1831, art. 2(2)
- F5** Words in s. 218 substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 1 para. 1(1)(2); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F6** S. 218(10)(zb) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 49**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F7** S. 218(10)(a) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 75(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F8** Words in s. 218(10)(b) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8(2), **Sch. 1 para. 180(b)** (with Sch. 3 Pt. 1)
- F9** Words in s. 218(10)(b) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 75(c)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F10** S. 218(10)(bb) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 75(d)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F11** Words in s. 218(10)(c) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8(2), **Sch. 1 para. 180(d)** (with Sch. 3 Pt. 1)
- F12** Words in s. 218(10)(c) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 75(e)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F13** S. 218(10)(ca) inserted (1.4.2004 for E.W.) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 34, 199(1)(4), **Sch. 4 para. 101**; S.I. 2004/759, **art. 2** (as amended by S.I. 2006/836 and S.I. 2007/1102)
- F14** S. 218(10)(cb) inserted (1.4.2007) by The References to Health Authorities Order 2007 (S.I. 2007/961), art. 3, **Sch. para. 27(4)**
- F15** S. 218(10)(cc) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 17 para. 6(3)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F16** S. 218(10)(cd) omitted (1.2.2023) by virtue of The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/98), reg. 1(2), **Sch. para. 8(4)** (with reg. 3)

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- F17** S. 218(10)(ce) inserted (1.10.2023) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 15 para. 6(4)**; S.I. 2023/1035, reg. 2(c)
- F18** S. 218(10)(d) repealed (1.4.2006) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 196, 199(1)(4), **Sch. 14 Pt. 4**; S.I. 2005/2925, **art. 11(2)(n)**
- F19** S. 218(10)(dd) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 7 para. 9**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F20** S. 218(10)(e) and the preceding word "and" repealed (1.4.2005 for E.W.) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 190, 196, 199(1)(4), Sch. 13 para. 8, {Sch. 14 Pt. 7}; S.I. 2005/457, **art. 2(1)(b)**
- F21** S. 218(11) inserted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 41(5)(b)**

Modifications etc. (not altering text)

- C1** Ss. 210-219 applied (E.W.) (1.4.2020) by The Agricultural Wages (Wales) Order 2020 (S.I. 2020/347), arts. 1, **2(3)**
- C2** Ss. 210-219 applied (22.4.2022) by The Agricultural Wages (Wales) Order 2022 (S.I. 2022/417), arts. 1(2), **2(3)**
- C3** Ss. 210-219 applied (E.W.) (6.8.2022 with effect from 1.4.2022) by The Agricultural Wages (No. 2) (Wales) Order 2022 (S.I. 2022/794), arts. 1, **2(3)**
- C4** Ss. 210-219 applied (1.4.2023) by The Agricultural Wages (Wales) Order 2023 (S.I. 2023/260), arts. 1, **2(3)**
- C5** Ss. 210-219 applied (W.) (1.4.2024) by The Agricultural Wages (Wales) Order 2024 (S.I. 2024/390), arts. 1, **2(3)**
- C6** S. 218(7) extended (temp. from 1.4.1999 to 1.9.1999) by S.I. 1999/638, **reg. 4**

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Changes and effects yet to be applied to :

- s. 218(10)(c) words omitted by 2012 c. 7 Sch. 14 para. 70

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 8 Ch. 5 inserted by 2023 c. 20 Sch. para. 2
- Pt. 8A Ch. 1 heading inserted by 2023 c. 46 s. 1(3)
- Pt. 8A Ch. 2 inserted by 2023 c. 46 s. 1(4)
- Pt. 8A Ch. 3 inserted by 2023 c. 46 s. 2
- Pt. 8A Ch. 4 inserted by 2023 c. 46 s. 3(2)
- s. 43K(1)(ca) and word omitted by 2013 c. 24 s. 20(5) (This amendment not applied to legislation.gov.uk. The insertion of s. 43K(1)(ba) by S.I. 2006/1056, Sch. para. 7 is to come into force on the day on which 2005 asp 13, s. 20 comes into force and that provision has never been brought into force)
- s. 43K(2)(ba) omitted by 2013 c. 24 s. 20(6) (This amendment not applied to legislation.gov.uk. The insertion of s. 43K(1)(ba) by S.I. 2006/1056, Sch. para. 7 is to come into force on the day on which 2005 asp 13, s. 20 comes into force and that provision has never been brought into force)
- s. 47C(2)(cc) inserted by 2023 c. 20 Sch. para. 22
- s. 47H inserted by 2020 c. 7 Sch. 7 para. 9
- s. 47AA inserted by 2008 c. 25 s. 37
- s. 47EA inserted by 2023 c. 46 Sch. para. 4
- s. 47EB inserted by 2023 c. 46 Sch. para. 5
- s. 48(1C) inserted by 2020 c. 7 Sch. 7 para. 10(a)
- s. 48(1C) inserted by 2023 c. 46 Sch. para. 6(2)
- s. 48(1D) inserted by 2023 c. 46 Sch. para. 6(3)
- s. 49(8) inserted by 2020 c. 7 Sch. 7 para. 11(b)
- s. 49(8) inserted by 2023 c. 46 Sch. para. 7(4)
- s. 49C inserted by 2017 c. 16 s. 32(4)
- s. 75I(3)(g) and word inserted by 2023 c. 20 Sch. para. 23(b)
- s. 80A(6A) inserted by 2024 c. 17 s. 1(2)
- s. 80B(6C) inserted by 2024 c. 17 s. 1(3)
- s. 80C(2)(bc) inserted by 2023 c. 20 Sch. para. 24(2)
- s. 80C(4)(bc) inserted by 2023 c. 20 Sch. para. 24(3)
- s. 80D(1A) inserted by 2024 c. 17 s. 1(4)(a)
- s. 80D(3) inserted by 2024 c. 17 s. 1(4)(c)
- s. 80EB(2)(f) and word inserted by 2023 c. 20 Sch. para. 25(b)
- s. 99(3)(cc) inserted by 2023 c. 20 Sch. para. 28
- s. 101B inserted by 2008 c. 25 s. 38
- s. 104H inserted by 2020 c. 7 Sch. 7 para. 14
- s. 104CA inserted by 2023 c. 46 Sch. para. 9
- s. 105(4B) inserted by 2008 c. 25 s. 39(3)
- s. 105(7BC) inserted by 2020 c. 7 Sch. 7 para. 15
- s. 105(7BAA) inserted by 2023 c. 46 Sch. para. 10
- s. 108(3)(gia) inserted by 2023 c. 46 Sch. para. 11
- s. 108(3)(de) inserted by 2008 c. 25 s. 39(4)
- s. 108(3)(gn) inserted by 2020 c. 7 Sch. 7 para. 16
- s. 110(3A) inserted by 2002 c. 22 s. 44

- s. 205A(2)(ba) inserted by 2023 c. 46 Sch. para. 16(2)
- s. 205A(8A) inserted by 2023 c. 46 Sch. para. 16(3)
- s. 225(7)(8) inserted by 2023 c. 46 Sch. para. 17
- s. 227(1)(zb)(zc) inserted by 2023 c. 46 Sch. para. 18