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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 [<sup>F1</sup>a Code of Practice issued under Part IV of the Trade Union and Labour Relations (Consolidation) Act 1992 which relates exclusively or primarily to the resolution of disputes applies];

- (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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**Changes to legislation:** *The Transfer of Undertakings (Protection of Employment) Regulations 2006, Section 11 is up to date with all changes known to be in force on or before 30 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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(6) A notification under this regulation shall be given not less than [<sup>F2</sup>fourteen days][<sup>F2</sup>28 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.

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#### Textual Amendments

- F1** Words in reg. 11(2)(c) substituted (6.4.2009) by [The Transfer of Undertakings \(Protection of Employment\) \(Amendment\) Regulations 2009 \(S.I. 2009/592\)](#), regs. 1(2), **2(2)**
- F2** Words in reg. 11(6) substituted (E.W.S.) (31.1.2014) by [The Collective Redundancies and Transfer of Undertakings \(Protection of Employment\) \(Amendment\) Regulations 2014 \(S.I. 2014/16\)](#), regs. 1(2), **10(1)** (with reg. 10(2))

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#### Modifications etc. (not altering text)

- C1** Regs. 11-16 applied (1.4.2013) by [The Transfer of Undertakings \(Protection of Employment\) \(Transfers of Public Health Staff\) Regulations 2013 \(S.I. 2013/278\)](#), regs. 1(1), **5**
- C2** Regs. 11-16 applied (1.10.2021) by [The Transfer of Undertakings \(Protection of Employment\) \(Transfer of Public Health England Staff\) Regulations 2021 \(S.I. 2021/975\)](#), regs. 1(1), **5** (with reg. 2)
- C3** Regs. 11-16 applied (21.10.2022) by [The Transfer of Undertakings \(Protection of Employment\) \(Transfer of Staff to the Scottish Courts and Tribunals Service\) Regulations 2022 \(S.I. 2022/1012\)](#), regs. 1(1), **6** (with reg. 2)

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#### Commencement Information

- I1** Reg. 11 in force at 6.4.2006, see [reg. 1\(2\)](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Regulations applied (with modifications) by [2014 c. 20 s. 9](#)