
STATUTORY INSTRUMENTS

2023 No. 1426

**The Employment Rights (Amendment, Revocation
and Transitional Provision) Regulations 2023**

Part 4

Transfer of undertakings

Application of regulation

8.—(1) The amendments made by regulation 9 apply in relation to a TUPE transfer which takes place on or after 1st July 2024.

(2) For the purposes of paragraph (1), a “TUPE transfer” means—

- (a) a relevant transfer under the Transfer of Undertakings (Protection of Employment) Regulations 2006⁽¹⁾, or
- (b) anything else regarded, by virtue of an enactment, as a relevant transfer for the purposes of those Regulations.

Amendment of the Transfer of Undertakings (Protection of Employment) Regulations 2006

9.—(1) Regulation 13A of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (micro-business’s duty to inform and consult where no appropriate representatives)⁽²⁾ is amended as follows.

(2) In the heading for “Micro-business’s” substitute “Variation to the”.

(3) In paragraph (1), for sub-paragraph (a) substitute—

- “(a) at least one of the following conditions is satisfied—
- (i) the employer employs fewer than 50 employees;
 - (ii) there are fewer than 10 transferring employees.”.

(4) After paragraph (1) insert—

“(1A) For the purposes of paragraph (1)(a)(ii), “transferring employees” means the employees who work for the transferor and who are to be (or are likely to be) transferred to the transferee’s employment under a relevant transfer.”.

(1) [S.I. 2006/246](#).

(2) Regulation 13A was inserted by [S.I. 2014/16](#).