



Glasgow: 0141 331 5150

Aberdeen: 01224 683 286

Manchester: 0161 920 5990

London: 020 7590 3152

[Annual Retainer Service for Employers](#) | [Employment Tribunal Representation](#) | [Project Work](#) | [FREE Email Updates Service](#) | [Seminars and Training](#) | [Meet the Team](#) | [Contact Us](#) | [F.A.Qs](#) | [Features & Articles](#) | [Home](#)

TUPE – The New Rules

After years of waiting, the new Transfer of Undertakings (Protection of Employment) Regulations 2006 come into force on 6 April. Here, we look at the main changes the new TUPE Regulations will make to the law.

1. Service Provision Changes

2. Duty to supply information

- The identity and age of the transferring employees;
- The **terms and conditions of employment** of the transferring employees;
- Any **disciplinary proceedings** or grievances in the last two years;
- Any court or **tribunal** proceedings brought in the last two years, or any proceedings which the transferor has reasonable grounds to believe might be brought; and
- Any applicable collective arrangements

3. Variation of terms and conditions

4. Insolvent Businesses

- Some of the transferor's pre-existing debts to their employees (e.g., statutory redundancy payments, arrears of pay, payments in lieu of notice) will no longer pass to the transferee employer. These costs will instead be met by the National Insurance Fund, subject to limits.
- It will be easier for the transferee to vary the terms and conditions of employees after the transfer has taken place
- The best **advice** for any party involved in a TUPE transfer, whether before or after the new Regulations come into force, is to take specialist **legal advice** at the earliest opportunity.
- The new Regulations increase the need to prepare in advance for the employment aspect of a sale, purchase or contracting out situation. Remember that consultation with affected employees or their representatives well in advance of the transfer is a pre-requisite