

2012 No. 2413

TERMS AND CONDITIONS OF EMPLOYMENT

**The Transfer of Undertakings (Protection of Employment)
(RCUK Shared Services Centre Limited) Regulations 2012**

<i>Made</i> - - - -	<i>19th September 2012</i>
<i>Laid before Parliament</i>	<i>21st September 2012</i>
<i>Coming into force</i> - -	<i>1st November 2012</i>

The Secretary of State, in exercise of the powers conferred by section 38 of the Employment Relations Act 1999(a), makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Transfer of Undertakings (Protection of Employment) (RCUK Shared Services Centre Limited) Regulations 2012 and shall come into force on 1st November 2012.

(2) In these Regulations “the TUPE Regulations” means the Transfer of Undertakings (Protection of Employment) Regulations 2006(b).

Application of the TUPE Regulations

2.—(1) These Regulations apply to persons employed by the Department for Business, Innovation and Skills on 31st October 2012—

- (a) who are assigned to Financial Operations and whose office location is Queensway House, West Precinct, Billingham, TS23 2NF, or
- (b) who are assigned to Human Resources Operations and whose office location is Crown Way, Maindy, Cardiff, CF14 3UZ.

In sub-paragraph (a) “Financial Operations” includes operational finance and shared services contract management, financial operations management, transaction processing, and travel and expenses policy and operations.

In sub-paragraph (b) “Human Resources Operations” includes HR operations management, HR First and registry, payroll, compliance and reporting, financial risk management, HR services for the Insolvency Service and other agencies, data migration, and pay operations.

(2) A person to whom these Regulations apply is to be treated, after 31st October 2012, in the same way as an employee in circumstances where the TUPE Regulations apply, subject to paragraph (3).

(a) 1999 c. 26.

(b) S.I. 2006/246 amended by S.I. 2009/592, 2010/93.

(3) A person to whom paragraph (1)(b) applies is not to be treated as though regulation 4(8) of the TUPE Regulations^(a) applies.

(4) For the purposes of these Regulations, the Department for Business, Innovation and Skills is to be treated as the transferor and RCUK Shared Services Centre Limited is to be treated as the transferee.

Jo Swinson

Parliamentary Under Secretary of State for Employment Relations and Consumer Affairs
19th September 2012

Department for Business, Innovation and Skills

(a) Regulation 4(8) of the TUPE Regulations provides that subject to paragraphs (9) and (11) (of that regulation), where an employee so objects (to the transfer), the relevant transfer shall operate so as to terminate his or her contract of employment with the transferor but he shall not be treated, for any purpose, as having been dismissed by the transferor.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations concern the treatment of employees of the Department for Business, Innovation and Skills (“BIS”), as of 1st November 2012, who are to transfer to RCUK Shared Services Centre Limited. The Regulations ensure that a BIS employee who works in Financial Operations in Billingham or Human Resources Operations in Cardiff is to be treated in the same way as an employee to whom the Transfer of Undertakings (Protection of Employment) Regulations 2006 (“the TUPE Regulations”) apply. However, regulation 4(8) of the TUPE Regulations is not to apply in the case of an employee who works in Human Resources Operations in Cardiff (regulation 4(8) of the TUPE Regulations concerns the treatment of employees who object to the transfer).

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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£4.00

E4547 09/2012 124547T 19585

ISBN 978-0-11-152898-3



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