

L.N. 483 of 2014

**EMPLOYMENT AND INDUSTRIAL RELATIONS ACT
(CAP. 452)**

**Transfer of Business (Protection of Employment)
(Amendment) Regulations, 2014**

IN exercise of the powers conferred by articles 38 and 48(2) of the Employment and Industrial Relations Act, the Minister for Social Dialogue, Consumer Affairs and Civil Liberties has made the following regulations:-

1. The title of these regulations is the Transfer of Business (Protection of Employment) (Amendment) Regulations, 2014, and these regulations shall be read and construed as one with the Transfer of Business (Protection of Employment) Regulations, hereinafter referred to as "the principal regulations". Citation.
S.L. 452.85
2. In paragraph (b) of sub regulation (3) of regulation 3 of the principal regulations, the words "whether or not any property is transferred" shall be substituted by the words "whether or not any property, movable or immovable, is transferred". Amends
regulation 3 of
the principal
regulations.
3. In the proviso to subregulation (2) of regulation 3A of the principal regulations, the words "any statutory bonuses and income supplements in terms of law which relate to the period in employment with the transferor but payment of which becomes due on a date when the employee is employed by the transferee, and payment for" shall be deleted. Amends
regulation 3A of
the principal
regulations.
4. Immediately after regulation 3A of the principal regulations, there shall be inserted the following new regulation: Adds new
regulation 3B to
the principal
regulations.

"Payments.

3B. The transferor shall effect payment and settle any dues owed to the employees affected by the transfer in relation to the employment relationship with the transferor in respect of any wages, pro rata bonuses and weekly allowances due up to the end of the relationship with the transferor, by the next pay date falling immediately after the transfer of the undertaking or part of the undertaking which would have been the next pay date had the employees concerned been still in an employment relationship with the transferor."

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Amends
regulation 4 of
the principal
regulations.

5. (1) In regulation 4 of the principal regulations, the words "shall only apply to those undertakings that are being transferred" shall be substituted by the words "shall only apply to those undertakings or to those parts of undertakings that are being transferred".

(2) In the proviso to regulation 4, the words "and shall be provided by the transferor by the date of the transfer of business" shall be substituted by the words "and shall be provided by the transferor to the transferee within five working days from the date of identification of the transferee or by the date of the transfer of business, whichever is the earlier."
