

L.N. 285 of 2017

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

**Transfer of Business (Protection of Employment) (Amendment)
Regulations, 2017**

IN exercise of the powers conferred by articles 38 and 48 (2) of the Employment and Industrial Relations Act, the Minister for European Affairs and Equality, has made the following regulations:

1. (1) The title of these regulations is the Transfer of Business (Protection of Employment) (Amendment) Regulations, 2017 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 and
commencement.
SL 452.85

(2) These regulations shall come into force on the 10th October, 2017.

(3) These regulations transpose part of Directive (EU) 2015/1794 of the European Parliament and of the Council of 6 October 2015.

2. Regulation 3 of the principal regulations shall be amended as follows:

Amends
regulation 3 of
the principal
regulations.

(a) in paragraph (d) of sub-regulation (1) thereof the words "situated in Malta." shall be substituted by the words "situated in Malta;" and immediately thereafter there shall be added the following new paragraph:

"(e) to a transfer of a seagoing ship that is part of a transfer of an undertaking, business or part of an undertaking or business within the meaning of this regulation: Provided that the transferee is situated, or the transferred undertaking, business, or part of an undertaking or business remains within Malta:

Provided further that article 38 of the Act and these regulations shall not apply where the object of the transfer consists exclusively of one or more seagoing ships.";

(b) sub-regulation (2) thereof shall substituted by the following:

"(2) Article 38 of the Act and these regulations shall not apply to an administrative reorganisation of public administrative authorities, or the transfer of administrative functions between public administrative authorities."

