

Island of  Guernsey

Ordinance of the States

**XXVII
2001**

Made 26th September, 2001.
Coming into operation 1st October, 2001.

**The Transfer of States Undertakings
(Protection of Employment) (Amendment)
Ordinance, 2001**

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(Protection of Employment) (Amendment)
Ordinance, 2001**

THE STATES, in exercise of the power conferred on them by section 5 of the Transfer of States Undertakings (Protection of Employment) (Guernsey) Law, 2001^a, hereby order:-

Amendment of section 5.

1. Section 5 of the Transfer of States Undertakings (Protection of Employment) (Guernsey) Law, 2001 is amended as set out in the Schedule to this Ordinance.

Citation.

2. This Ordinance may be cited as the Transfer of States Undertakings (Protection of Employment) (Amendment) Ordinance, 2001.

Commencement.

3. This Ordinance shall come into force on the 1st October, 2001.

^a Order in Council No. XVIII of 2001.

SCHEDULE

After section 5(8) of the Transfer of States Undertakings (Protection of Employment) (Guernsey) Law, 2001, insert the following subsections -

"(9) Subject to subsection (10), the States may by resolution (referred to in this section as "**the original resolution**") defer the obligations of a transferee arising under, and the rights of any person exercisable by virtue of, this section upon a transfer of the undertaking or any part thereof, until such date, being a date within the period expiring upon the first anniversary of any such transfer, as is specified under the original resolution (referred to in this section as "**the specified date**").

(10) A deferment under subsection (9) shall cease to be effective before the specified date -

- (a) when, in a case where the undertaking or any part thereof has been transferred to a States trading company, that company ceases to be a States trading company; or
- (b) if the States, by resolution, so resolve.

(11) When a deferment under subsection (9) ceases to be effective-

- (a) the obligations referred to in that subsection shall apply to a transferee in respect of any person employed in the undertaking or the part transferred who was, immediately before the cessation, a member of the public servants' pension scheme by virtue of

subsection (12); and

- (b) the rights referred to in subsection (9) may be exercised,

in the same manner as if the transfer of the undertaking or part thereof had occurred upon the cessation; and the provisions of this section shall apply accordingly.

(12) Whilst a deferment under subsection (9) is effective, a person-

- (a) of a description referred to in section 5(1); or
- (b) who is employed in the undertaking or the part transferred after the transfer,

shall, for so long as he continues to be employed in the undertaking or the part transferred, for the purposes specified in subsection (13), be deemed to have a contract of employment with the States.

(13) The purposes referred to in subsection (12) are those purposes relating solely to membership, continued membership and the acquisition of membership of the public servants' pension scheme and no other purposes."